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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Araceli Martinez-Olguin, Judge

ANDREA BARTZ, et al,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	NO. 4:24-cv-05417-AMO
	)	
ANTHROPIC PBC,	)	
	)	
Defendant.	)	
_____	)	

San Francisco, California
Thursday, May 14th, 2026

TRANSCRIPT OF PROCEEDINGS

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Also Present: **DEVON HANLEY COOK, Attorney for Anthropic**

Thursday, May 14th, 2026

2:00 p.m.

P R O C E E D I N G S

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COURTROOM DEPUTY: Now calling civil matter 24-5417,
Bartz, et al v. Anthropic, PBC.

Counsel, if you could please approach the lectern and
state your appearances beginning with plaintiff's counsel.

MR. NELSON: Good afternoon, Your Honor.

Justin Nelson from Susman Godfrey.

THE COURT: Good afternoon.

MR. NELSON: With me from Susman Godfrey is Rohit
Nath, Samir Doshi, and Craig Smyser.

I'm also joined by our class representatives Kirk
Wallace Johnson, Charles Graeber, and Andrea Bartz. And also
present is the CEO of JND claims administrator, Ms. Jennifer
Keough.

THE COURT: Good afternoon to you all.

MS. GEMAN: Good afternoon, Your Honor.

Rachel Geman, Lieff Cabraser Heimann & Bernstein for
plaintiffs in the class. I'm joined today by Elizabeth
Cabraser, Daniel Hutchinson, and Jalle Dafa.

THE COURT: Good afternoon to you.

MS. DURIE: Good afternoon, Your Honor.

Daralyn Durie from Morrison & Foerster for Anthropic.

I'm joined by Douglas Winthrop and Joe Farris from

1 Arnold & Porter and Devon Hanley Cook from Anthropic.

2 **THE COURT:** Good afternoon.

3 Okay. So good afternoon to everyone present. We're
4 here on plaintiff's motion for final approval and motion for
5 attorney's fees. Just to give you all a sense of what to
6 expect this afternoon, I'm going to start by letting the
7 attorneys make about a five minute presentation, any
8 presentation that you would like and then I'll have some
9 questions for you all.

10 I know that there is an attorney James Bartolomei
11 present or representing -- who indicated he would be present
12 representing a handful of objectors and opt-outs so, Mr.
13 Bartolomei, are you present? All right. You too will get five
14 minutes at some point this afternoon.

15 I also received requests to be heard from some of the
16 class members, each of them who are present either in the
17 courtroom or on Zoom will get two minutes.

18 Individuals who are not members of the class will not
19 be given the floor. And any person who is given an opportunity
20 to speak will be given one opportunity. You will not get
21 another opportunity thereafter.

22 So before I -- and, Ms. Geman, you'll be making -- you
23 all decide, Mr. Nelson or Mr. Geman, which of you will be
24 taking the mic for plaintiffs, but before you all make whatever
25 presentation, I do want to note for the record that there were

1 some recent objections filed that came in earlier in the year,
2 and as you all realize, I think, right, those got lost on the
3 shuffle on the Court side. So I'm inclined to deem those
4 objections timely since any delay in their filing is not -- was
5 not due to anything from the individual's behalf but instead on
6 the Court's part.

7 I'm also inclined to do the same with the objections
8 that class counsel kept from the Court. I believe there are at
9 least three objections class counsel received in January and
10 that weren't filed until directed to do so by the Court so I'm
11 inclined to go ahead and consider those. And if class counsel
12 would like to speak to that, you of course are welcome to do
13 so.

14 I also will want to hear from you about what I should
15 do with other objections that came in more recently.

16 As you -- before I hand the mic over to you all, as
17 you get into your presentations, please know that I didn't
18 consider any arguments presented in the footnotes of your
19 briefs because my standing order says that that's my practice.
20 So there you have it.

21 With that, I give the mic to class counsel for
22 whatever presentation they would like to make.

23 **MR. NELSON:** Thank you, Your Honor.

24 And for the Court's knowledge, I will be giving the
25 opening presentation and then depending upon the issues that

1 court might have or the questions, either Ms. Geman or myself
2 will respond, if that's acceptable.

3 **THE COURT:** Certainly. Thank you.

4 **MR. NELSON:** And just briefly with respect to what
5 Your Honor just said about the objections, we have no objection
6 of course to what Your Honor just suggested and of course
7 that's acceptable to us.

8 Again, very briefly, we think anything not submitted
9 to the Court or class counsel or filed after February 9th,
10 which is the opt-out date and objection date, should be deemed
11 untimely. So that is our position with respect to that.

12 But may I please the Court, Justin Nelson from Susman
13 Godfrey.

14 I do want to start with an update to the Court on the
15 claims rate. On April 30th, we filed the then current claims
16 rate of 91.3 percent. Since then, additional timely claims
17 have continued to be processed. The current claims rate is
18 92.77 percent for a total of 447,576 claimed works.

19 In the Court's preliminary approval order at docket
20 437, Judge Alsup went through in detail the factors for final
21 approval including the express factors under Rule 23(e) and the
22 implied factors under the *Churchill* case. He found that the
23 proposed settlement here was likely to be granted final
24 approval. As he noted on page 6 of the order, one of the only
25 open questions was whether class members would embrace the

1 settlement. We now have that answer and the answer is a
2 resounding yes.

3 The participation spans all types of copyright owners
4 from self-published authors to large publishers part of
5 publicly traded companies. This class is highly sophisticated
6 and engaged. Each of them made a considered decision to
7 participate, and for good reason. As Judge Alsup wrote, this
8 is the largest copyright class action settlement in history.
9 It also provides substantial injunctive relief in the form of
10 destruction of the pirated datasets and a certification that
11 Anthropic did not use the materials from the pirated websites
12 in commercially released models.

13 And the release is a limited one for past conduct only
14 and not including output claims. The opt-out rate is miniscule
15 as are the objections for a class of this size. With respect
16 to opt-outs, we have one additional change from the proposed
17 order, class members Esquivel and Castells ask for a late
18 opt-out, and in our proposed order, we subjected denial without
19 prejudice pending comment from other rights holders. Since
20 then, we provided notice to the other rights holders and
21 received no objections, and accordingly, do not oppose their
22 request for their late opt-out.

23 With respect --

24 **THE COURT:** Sorry. Go ahead.

25 **MR. NELSON:** With respect to the objections, many of

1 the objections are by people requesting that their works be
2 added to the settlement, itself a sign of the settlement
3 strength. 26 of the 53 objections in fact pertain to the works
4 list and request inclusion in the class. Not only are their
5 objections incorrect, they lack standing because they are not
6 the owners of a work on a work list. As the preliminary
7 approval order states on page 3 of the preliminary approval
8 order, if a work is not on the works list, then a copyright
9 owner of the right to reproduce that work is not in the class
10 and their claims are not release.

11 This is the first major AI copyright settlement. Our
12 constitution specifically mentions copyrights for a reason. It
13 provides the economic incentive to allow the diversity of
14 ideas, thoughts, and creativity that makes our country
15 flourish. Currently, there's widespread apprehension among all
16 those who rely on copyrights to make a living, not just book
17 authors and publishers. One of the reason why a large
18 percentage of the class is participating is because the
19 settlement provides not just substantial monetary relief but
20 substantial injunctive relief as well such as the destruction
21 of these pirated databases and a certification that the pirated
22 copies were not used in a commercial model along with the
23 limited past release.

24 In short, the proposed settlement here is more than
25 the fair, reasonable, and adequate standard as required by Rule

1 23(e). The reasons for approval have only gotten stronger
2 since the preliminary approval order and we request that the
3 Court grant final approval of this historic settlement.

4 Thank you, Your Honor.

5 **THE COURT:** Thank you, Mr. Nelson.

6 Ms. Durie, do you want to say anything?

7 **MS. DURIE:** No, Your Honor. I have nothing to add to
8 that.

9 **THE COURT:** Thank you.

10 Mr. Bartolomei, could you please come forward.

11 Go ahead.

12 **MR. BARTOLOMEI:** Good afternoon, Your Honor.

13 My name is James Bartolomei and I'm of counsel with
14 the Duncan Firm and I'm here representing four of the class
15 members; Brenda Hampton, Chinonto Chakanga, Laura Esquivel, and
16 Jordi Castells.

17 As Your Honor just heard, plaintiff class counsel has
18 withdrawn their objections so I'm not going to spend a lot of
19 time on those two lay opt-outs that are still requesting that
20 they be allowed to opt-out.

21 But I am going to address the one distinct issue that
22 class counsel just failed to address in his opening is whether
23 class settlement notice was sufficient. Nothing that I'm
24 asking for or my clients are asking for today takes a dollar
25 away from any class member who has already filed a claim. And

1 I'm not here to ask this Court to stop -- stop this settlement
2 from ever being approved.

3 My clients want what every class member deserves,
4 which is sufficient information to make an informed, knowing,
5 and intelligent choice as to whether \$3,000 was worth releasing
6 a claim for books pirated by Anthropic that are worth up to
7 \$150,000 per work.

8 Now why was the notice incomplete? You know, in our
9 papers -- and I'll highlight the supplement that was filed on
10 May 8th, just Friday last week, objector Chakanga filed a
11 notice with the Court that demonstrated that the summary
12 judgment order, which arguably is probably the most important
13 order in this case, was never provided to the class. That
14 document was 231, the summary judgment order. I call it the
15 fair use order.

16 It was absent from the settlement website. It just
17 appeared -- and I don't know if it happened on Saturday or
18 Sunday or Monday, but class counsel made the decision to add
19 that document and I'd like to enter after I'm done a copy of
20 the screenshot of the current, you know, version of the
21 settlement website. But the proposed order that was submitted
22 to Your Honor to consider today, it was violated because
23 there's two operative documents that the proposed order relies
24 on. It's the FJC checklist and Northern District of California
25 procedural guides.

1 And those two authorities, they require that class
2 counsel put on the neutral website all of the important
3 documents. Well, the prior court's, Judge Alsup's, fair use
4 order has never been on that website. And it's a key document.
5 Class counsel put it on there on Saturday, Sunday or Monday.
6 I'm not entirely sure.

7 But that admission, it's an important document. Most
8 reasonable minds in this courtroom today would say, yeah, it's
9 one of the documents, this order, that caused this case to
10 settle.

11 Now the question that the Court ought to be asking
12 class counsel is very simple, why is the most important merits
13 ruling in this case not available to the class on the neutral
14 website. It wasn't available at all during the entire opt-out
15 period, seven and a half months after the fair use order was
16 issued. There really is no good answer.

17 I just want to highlight a key quotes from the FJC
18 class action guidelines checklist. On page 4 it says will key
19 documents be available on a neutral website. The summary
20 judgment document order is listed as one of those key
21 documents.

22 Class members should have had access to this. It's
23 not just the fair use order. All of the summary judgment
24 briefing that was done, all of the evidence of the underlying
25 alleged wilfulness that gave rise to the fair use order was --

1 is in that briefing. And one of the things I'd like to
2 highlight for the Court is the *In re Anthem* data breach case in
3 which Judge Koh, she held when the modification makes the
4 settlement less desirable, notice may be required because
5 courts cannot be sure whether more class members would have
6 chosen to opt-out to the settlement or -- object to the
7 settlement or exclude themselves from the class.

8 Here, the deficiency of not having the most important
9 order available to the class, it's going to make settlement
10 less desirable. We don't have to guess about that.

11 Secondly, Your Honor on January the 15th, issued an
12 order that required hundreds of documents and thousands of the
13 under -- pages of the underlying summary judgment evidence to
14 be unredacted and made available to the public. The public
15 access is critical, not just for the public and the press, but
16 for the class members to make informed decisions.

17 And at the end of the day, again, I'm not trying to
18 stop this settlement from ever being approved, but the Court
19 has a chance to cure the due process defect. And the fact of
20 the matter is is that the new claims rate of 92 percent or
21 whatever it is probably consists of the Lion's share of large
22 publishing houses. What I'm concerned about for every class
23 member is the independent author who maybe didn't know about
24 this or maybe didn't have the ability to understand or retain
25 counsel.

1 The FJC checklist --

2 **THE COURT:** You're at time. I'll let you finish the
3 thought.

4 **MR. BARTOLOMEI:** The FJC checklist explicitly says
5 it's a minimum of 30 days from complete dissemination of the
6 critical documents made available to the class that just wasn't
7 present. We're asking for a cure of just 35 days, open up the
8 opt-out period, and it allows this Court to avoid a fatal
9 defect in the notice.

10 Thank you, Your Honor.

11 **THE COURT:** Thank you.

12 Jenny, let's go ahead and hear from the -- actually,
13 before I turn to the folks on Zoom, are there any class members
14 present? I'm sorry, beyond the folks represented by counsel at
15 this table.

16 Okay. Great. Give me one second.

17 **COURTROOM DEPUTY:** Your Honor, I'm going to go ahead
18 and promote over Stacy Werner.

19 **THE COURT:** Go ahead.

20 **MS. WERNER:** Your Honor, am I heard?

21 **THE COURT:** Yes.

22 **MS. WERNER:** Okay. I do believe that the -- let's see
23 if I can fix the visual.

24 My name is Stacy Werner, S-T-A-C-Y, Lynn, L-Y-N-N,
25 Werner, W-E-R-N-E-R, Esq. I have been an attorney for

1 approximately 30 years. I'm licensed in the state of
2 Connecticut where I do business.

3 I am not only an author, I am also a member of the
4 class. I have three out of my seven books as part of the
5 statement of works. For my seven books, each took a year to
6 write, that is seven years. Anthropic probably stole my books
7 in under seven seconds.

8 I spent about 200 legal hours in prep for this moment
9 now and I have two minutes to speak which is a bit daunting, to
10 be honest, however, I will speak fast and do the best that I
11 can.

12 I have done quite a bit of research. I wanted to
13 start briefly with Fordham Law Review, Volume 89-2020, and it
14 talks about good objectors being critical to the class action
15 process because the judge reviewing the settlement does not
16 have the benefit of usual adversarial setting.

17 I can't tell you how it seems from the documents that
18 I've accessed how little insight has been given to the
19 independent publishers. I, in particular, had filed contracts
20 that I had with my small press. Not only were thousands of us
21 violated from our publisher for breach of their contractual
22 duty to actually file copyright, but we are getting absolutely
23 taken advantage of a second time now.

24 More importantly, my big frustration and
25 disappointment, if not outright disgust, with the litigation

1 settlement that's being proposed now is that many of us,
2 thousands of us had actual copyright warning language and I --
3 because I have two minutes, I won't quote it -- but you will in
4 fact, Your Honor, see it in my brief that's specifically --

5 **THE COURT:** I'm going to give you that warning now.
6 You've got about ten seconds left.

7 **MS. WERNER:** I'm going to ask for a little bit of
8 flexibility.

9 The notice was completely inaccurate --

10 **THE COURT:** You have --

11 **MS. WERNER:** -- box 47 to learn how to efile. Efile
12 instructions were given by many entities including the New
13 Hampshire District Court. I had called class settlement for
14 guidance, I got a call back from the --

15 **THE COURT:** You have -- your time is up, Ms. Werner.
16 I need to move on to the next person. That's what I have
17 because I need to hear from all of you.

18 **MS. WERNER:** If you could come back to me should you
19 have time, Your Honor. After 200 hours and me being a victim
20 in this case, I cannot tell you how --

21 **THE COURT:** Ms. Werner, I will ask my courtroom deputy
22 to eject you. Please stop. I need to move on to the next
23 person.

24 Thank you.

25 Who is next?

1 **COURTROOM DEPUTY:** Promoting Ms. Pinder.

2 Ms. Pinder, please state your name and spell it for
3 the court reporter.

4 **MS. PINDER:** Good afternoon, Your Honor.

5 My name is Victoria Pinder, V-I-C-T-O-R-I-A,
6 P-I-N-D-E-R. I'm pro se. May I be heard?

7 **THE COURT:** Please proceed.

8 **MS. PINDER:** Thank you so much.

9 I'm a USA best selling author. I have over a hundred
10 novels that I have written. I have four works on the works
11 list under four separate copyrights and my objection on docket
12 641 and the reply at docket 648 concern one of those
13 registrations, TX0008716839.

14 This single registration covers more than 40
15 individual novels that I have published. Each book has its own
16 ISBN, own ISIN and was separately downloaded by Anthropic from
17 its own pirated resources. A fact the settlement
18 administration has confirmed in writing, yet the settlement
19 courts found 40 plus of those novels in one claim simply
20 because I used a lawful group copyright registration at the US
21 Copyright Office expressly permitted at the time.

22 Two authors with the same number of unfringed books
23 should not receive vastly different compensations based on
24 lawful regulation they chose themselves. Class counsel
25 objection on docket 646 does not engage with the stay say and

1 one sentence that I could have registered originally and that
2 is the very objection I'm objecting to.

3 And in their red line proposal at docket 646.2 page
4 11, they also ask this court to find my objection invalid on
5 procedural grounds but class action themselves cannot docket my
6 objection as docket 641 is in compliance with its April 8th
7 order. They cannot docket my objection and then ask the Court
8 to rule invalid.

9 And a copy in court's chambers, WAPO at CAND US
10 Court.Gov on November 15 and December 15 -- December 1st, 2025
11 three months before the deadline. So, Your Honor, of the four
12 class objectors labeled invalid in the red line, I am the only
13 one submitting a substantial challenge to the settlement
14 allocation methodology.

15 They misstated my name repeatedly, this time as Laya
16 Victoria, conflated me with a different objector, their choice
17 to seek procedural dismissal on a substantive question while
18 engaging in less critical objections on the merit goes to
19 whether 23(e) adequate representation has been met.

20 First, I'd like to ask the Court of one of three
21 things, modify the plan of allocation so distinct works with
22 group register count as separate works, which they are.
23 Alternatively, refer my claim to the Special Master Cheng under
24 existing referral order docket 501 or, at a very minimum,
25 correct my name on the papers because my name has always been

1 Victoria Pinder.

2 Thank you for your time.

3 I read fast.

4 **THE COURT:** Thank you, Ms. Pinder.

5 Let's go ahead and promote the next person, Ms.

6 Galang.

7 **COURTROOM DEPUTY:** Promoting Mr. Chase.

8 You have two minutes, Mr. Chase.

9 **MR. CHASE:** It's Matthew Chase, M-A-T-T-H-E-W,
10 C-H-A-S-E.

11 I am a class member based on 15 works that appear on
12 the works list that they listed on the settlement
13 administration website. I am here to specifically speak to a
14 flaw that I found in class counsel's methodology for curating
15 the closed works list. I do feel that I conveyed that pretty
16 clearly in my written objection so I won't beat around those
17 points again for the sake of everyone, but I would like to
18 highlight something that I don't think I necessarily
19 pinpointed.

20 One of the issues is that the encouraged way of the
21 U.S. Copyright Office compendium is that to do your real name
22 and then -- so, in this case, I would have copyright registered
23 some works under my real name, and then they would be published
24 under a pseudonym so that would not match based on the way that
25 class counsel curated their list. It would only be the

1 alternative ways that have a match for match with pseudonym and
2 pseudonym. Class counsel confirmed this by email.

3 The issue that -- the biggest issue this presents is
4 that it doesn't just exclude everyone who did the way that the
5 U.S. Copyright Office encourages, it only excludes some because
6 the name for name match sometimes were partial names. So if
7 Mary Joe registers a copyright as Mary Joe and her book is
8 published as Mary Smith, she is included in the closed works
9 list. Because I don't have a similar name match, I registered
10 the same as Mary Joe but I will not be included and I am being
11 treated differently. I'm not being treated equally to Mary Joe
12 in this case.

13 I believe this comes from systemic issues in
14 publishing that don't recognize some of the disadvantages that
15 self published and small published authors have. I also think
16 that there are big portions of the class action suit that deal
17 with pieces that don't deal with pseudonyms which is something
18 class counsel acknowledged when they -- after the works list
19 was revealed, came to this court and asked for them to deal
20 with pseudonyms in a particular way because many romance
21 authors would be affected by it a certain way.

22 I also think that the no release --

23 **THE COURT:** Time -- okay. Go ahead.

24 **MR. CHASE:** I will concede my time.

25 Thank you very much for having me.

1 **THE COURT:** Thank you.

2 **COURTROOM DEPUTY:** Ms. Grace is promoted.

3 **MS. GRACE:** Good afternoon, Your Honor.

4 My name is Natasha Grace, N-A-T-A-S-H-A, G-R-A-C-E.

5 I am a class member for two works but my other works
6 are wrongly excluded because I used group registration like
7 objector Victoria Pinder. Class counsel has confirmed that
8 they didn't look at the contents section of the copyright
9 registration which is the only place where all of the titles of
10 the group registration are listed.

11 I would like to add a suggestion to my objection. To
12 avoid delaying the settlement in another matching process, I
13 propose that a portion of the costs reserve be set aside for
14 the wrongly excluded works and that the administrator put up an
15 intake form on the website where authors who feel they were
16 wrongly excluded can submit their titles, ISBNs or ISINs as
17 well as their copyright registration numbers for further
18 verification.

19 Thank you.

20 **THE COURT:** Thank you, Ms. Grace.

21 **COURTROOM DEPUTY:** Promoting Ms. Larson. Ms. Larson
22 are you there?

23 **THE COURT:** To folks in the attendee list, I
24 understand there's no one left with their hand raised -- oh,
25 there's one. Do me a favor, look at those.

1 **MR. TOMBS:** Thank you, Your Honor, for unsealing my
2 objection. So may I be heard?

3 **THE COURT:** Yes. Please spell your first and last
4 name for the court reporter and thereafter you have two
5 minutes.

6 **MR. TOMBS:** Of course. My first name is George,
7 G-E-O-R-G-E, and my last name is Tombs, T-O-M-B-S; M, as in
8 Michael; B, as in Barbara; S, as in Sarah.

9 I appreciate the opportunity to speak today. I
10 commend Andrea Bartz for her initiative and stamina in pursuing
11 this matter. I have basically two objections which I outlined
12 in document 5401 that was unsealed recently. The first is I
13 believe that this settlement as proposed is sending a cruise
14 missile or maybe I should say a fleet of drones into the very
15 principle of copyright as protected by the Berne Convention
16 which, as we know, goes back to 1886.

17 It's well established by all signatory countries
18 including the United States and Canada, where I live. And I am
19 also very concerned that this settlement would create a
20 precedent that would allow other companies to pirate works --
21 and Lord knows there are many other lawsuits in motion at the
22 present time -- basically to undermine copyright in the United
23 States and other countries around the world and enable very
24 aggressive AI training models to exploit the works without
25 compensation of thousands and hundreds of thousands and

1 possibly even millions of authors.

2 I'm not seeking anything other than to speak today. I
3 don't know what the Court will decide ultimately, but I just
4 point out that I looked in the matter of the works of my
5 grandfather who was a professor at Columbia University, my
6 father who published with Columbia University Press, and myself
7 and all together we have 56 works in LibGen which I believe
8 Anthropic used to develop its AI training model.

9 None of these works are accepted. And the idea that
10 people have to register with U.S. Copyright is simply untrue
11 and I believe that the way things worked out with the
12 settlement as it is developed --

13 **THE COURT:** Finish that thought.

14 **MR. TOMBS:** It narrowed -- the definition of eligible
15 works so that's all I have to say.

16 **THE COURT:** Thank you, Mr. Tombs.

17 **MR. TOMBS:** Thank you very much.

18 **THE COURT:** Mr. Jacobson.

19 **COURTROOM DEPUTY:** Go ahead, Mr. Jacobson.

20 **MR. JACOBSON:** Hello. Robert, R-O-B-E-R-T. My last
21 name is Jacobson, J-A-C-O-B-S-O-N.

22 Good afternoon, Your Honor. My name is Robert
23 Jacobson again.

24 I am a class member and objector. I'm the author of
25 Space Is Open For Business on the settlements work list. My

1 objection is at docket 646-3. I submitted it by email on
2 January 12th, within the deadline.

3 So I have a three points to the rule and (e) I would
4 like to speak to. One is approximately \$3,000 per work is
5 roughly 2 percent of the \$150,000 statutory ceiling available
6 to registered authors under Section 504. After this court
7 already found that the central library was not fair use.

8 Number two, the settlement releases past claims but
9 proves nothing addressing ongoing commercial use of the trained
10 models.

11 And, three, class members have not been told how their
12 specific works were used in training, making proportionality
13 impossible to assess. I ask the Court to please weigh whether
14 the settlement on these points meets the fair, reasonable, and
15 adequate standard for registered authors.

16 Thank you, Your Honor.

17 **THE COURT:** Thank you Mr. Jacobson.

18 **COURTROOM DEPUTY:** Ms. Hootman.

19 **MS. HOOTMAN:** Hi. My name is Nicole Ramsey Hootman.
20 That's N-I-C-O-L-E. Last name is H-O-O-T-M-A-N.

21 And my primary question about the settlement is I
22 don't really understand how it can be just if Anthropic --
23 Anthropic is continuing to profit from essentially stealing our
24 work even after the settlement is complete. You know, even
25 with copyright regarding my publisher, like they have to pay me

1 ongoing for the use of my work and for people buying it.
2 Anthropic has used it and continues to profit off of the use of
3 my work. So a one-time payment doesn't really seem like
4 justice. And that's basically all I have.

5 **THE COURT:** Thank you.

6 Any more class members?

7 **COURTROOM DEPUTY:** No, Your Honor. That is it.

8 **THE COURT:** All right. Thank you.

9 All right. So as I indicated at the beginning, I have
10 some questions for plaintiff's counsel. I understand for Mr.
11 Nelson that both he and Ms. Geman may answer different
12 questions so let me turn to those now.

13 As you started -- as I think you heard from at least
14 one objector, and this is actually my first note too, I get the
15 sense from many of the folks who filed objections that they
16 feel class counsel has given their concerns short shrift, not
17 only in class counsel's responses to the direct inquiries but
18 also in their papers. So let me ask you, if I agree with them
19 that class counsel hasn't sufficiently grappled with some of
20 the substance of their objections, what's the path forward?

21 **MR. NELSON:** The path forward, Your Honor, would be
22 that by either Monday morning or Monday evening or whenever the
23 Court wants, including Friday evening at 5:00 p.m., we will
24 file a proposed revised order that addresses in detail any of
25 those objections.

1 I do think, Your Honor, that given some of the late
2 objections that have come in, there are a couple things that
3 need to be updated in the proposed order anyway so we have no
4 objection to resubmitting a proposed order by the earliest
5 possible date for Your Honor's convenience, as early as 5:00 on
6 Friday evening or 9:00 a.m. on Monday or whenever Your Honor
7 may so chose.

8 **THE COURT:** Let me ask you a couple of other questions
9 about the -- related to the final approval motion.

10 Based on the JND declaration in support of the motion
11 for final approval, I understand there are -- no, we talked a
12 little bit -- well so I understood from the declaration there
13 were five late opt-outs and you mentioned a few by name. Am I
14 right that your -- earlier you mentioned you no longer have any
15 continuing objection to those late opt-outs being considered.
16 Is that right?

17 **MR. NELSON:** Well the only two -- as I understand, the
18 only two people that have asked for reconsideration of that or
19 consideration based upon the excusable neglect standard are Ms.
20 Esquivel and Mr. Castells, and so they have -- are the only
21 ones who attempted to demonstrate excusable neglect. With
22 respect to those, we do not have any objection or no longer
23 have any objection because we forwarded their request to the
24 other rights holders.

25 With respect to any of the others, they have not

1 attempted to demonstrate excusable neglect and so, therefore,
2 our objection would still stand because it is late. To the
3 extent we have no objection should they want to get something
4 in, for example, as early as tomorrow evening and try to
5 demonstrate excusable neglect for those three others, then I
6 think we would stand down in our objection assuming that the
7 other rights holders also do not oppose.

8 **THE COURT:** Mr. Nelson, you may have -- I think you
9 presented this at the outset but could you remind me how many
10 opt-outs there are at this point?

11 **MR. NELSON:** Thank you, Your Honor. Yes. I don't
12 think I stated that exact number. Currently there are --

13 **THE COURT:** Go ahead.

14 **MR. NELSON:** There are 350 valid opt-outs covering
15 1,802 works. That is not including Ms. Esquivel and Mr.
16 Castells.

17 **THE COURT:** And do you know how many late opt-outs
18 there are? We've been discussing at least Ms. Esquivel and Mr.
19 Castells, but do you know how many --

20 **MR. NELSON:** It is a handful. We can try to get you
21 that, but it is -- you can probably count them on at least your
22 fingers, Your Honor.

23 **THE COURT:** So let me ask you something that I hope is
24 in your papers because part of what I'm looking for -- I hear
25 your proposal that they should be proving excusable neglect,

1 but I guess what I'm looking for is I don't believe there's
2 anything in your papers, and that's in part because there's no
3 reply ultimately about case law addressing whether those late
4 opt-outs should be accepted or not.

5 **MR. NELSON:** Thank you, Your Honor.

6 And to be clear, if -- we will stand down on the
7 objection if it's easier and so we will withdraw those
8 objections with respect to any of the late opt-outs that have
9 come in, Your Honor.

10 **THE COURT:** Let's talk a little bit now about the
11 proposed \$50,000 incentive awards. I get that there are -- or
12 that there may be a reason for a high award in a case where a
13 class representative faces a risk of retaliation or of being
14 blackballed, but I don't think I saw anything in your papers
15 suggesting that's the case here. So if that's in your papers,
16 could you please point me to it.

17 **MR. NELSON:** Thank you, Your Honor.

18 Ms. Geman will address that.

19 But before, let me -- I do have numbers on the late
20 out opt-outs. There are five late opt-outs in total. I
21 believe they total 102, so I was off, but there's 102 works I
22 believe, so thank you, Your Honor.

23 **THE COURT:** Thank you.

24 **MS. DURIE:** We do have an objection to simply
25 permitting all of the late opt-outs without any showing of

1 excusable neglect. We're happy to make a supplemental
2 submission, but we do think there should be some factual basis
3 for the Court to make that determination with respect to the
4 late opt-outs.

5 **THE COURT:** Ms. Durie, am I right -- and, again, this
6 is the joy of this sort of motion -- I've commented I don't
7 have a reply I think similarly but there's nothing from all of
8 you for --

9 **MS. DURIE:** Right.

10 **THE COURT:** -- as one would expect. All right. But I
11 appreciate that.

12 **MS. DURIE:** Thank you.

13 **MR. NELSON:** For purposes of clarity, it is -- I'm
14 really bad at reading handwriting. It is in fact not 102. It
15 is on paragraph 102 of the declaration. So I unfortunately
16 don't have an exact number. I still don't believe it is more
17 than a handful but we will get that and update it, Your Honor.

18 **THE COURT:** If it's in the declaration, I can also
19 look at paragraph 102. Thank you.

20 **MR. NELSON:** Thank you, Your Honor.

21 **THE COURT:** Certainly.

22 Ms. Geman.

23 **MS. GEMAN:** Thank you, Your Honor.

24 The class reps in this case are not in that sense like
25 an employee who might have the employer go after them, but they

1 did face tremendous risk of being on the forefront of a highly
2 publicized, highly scrutinized case where there is a lot of
3 chatter, a lot of discussions, and it was a reputational and
4 day-to-day risk for them.

5 To be clear, Your Honor -- and I would respectfully
6 suggest, Your Honor, that the declarations that the class reps
7 set forth in connection with preliminary approval which were
8 objection by objection would be the best place to determine
9 that. I can tell Your Honor --

10 **THE COURT:** Ms. Geman, where do you cite that to me in
11 your motion for final approval? Because why should I know to
12 go look at their declarations from the preliminary approval if
13 you don't cite them to me?

14 **MS. GEMAN:** Thank you, Your Honor.

15 There -- in connection with the motion for fees,
16 costs, and service awards, that is where we addressed that --
17 that is where we addressed the class representatives. We also
18 would point you to docket 619-2 which was submitted alongside
19 the fee proposal which addressed the class reps.

20 I would also, Your Honor, if I may, respectfully
21 suggest that among the points that were made in the papers we
22 believe apply with great force here, there was a ton of work
23 put in by the class reps against this sort of reputational and
24 exposure risk, they added value to the case. And by the
25 metrics that the case law considers which includes the percent

1 of the fund and the sort of ratio between the class rep award
2 and the awards for class members, the requested amount we
3 submit is handily satisfied in this large and very time and
4 work-intensive case.

5 If it would be helpful for Your Honor, we can show you
6 the pages in the briefing that addressed service awards in
7 particular.

8 **THE COURT:** Yes, please, that's actually what I asked
9 for so yes, please.

10 **MR. NELSON:** Yes, Your Honor.

11 So in docket -- in terms of the reply paper docket
12 6231, pages 14 through 15 is where service awards were
13 addressed in the reply noting among other things that there are
14 not objections to the service awards. The declaration, as I
15 mentioned, is 619-2. I would also note that the docket numbers
16 for the initial declarations were docket 385.

17 **THE COURT:** I'm going to stop you there, Ms. Geman.
18 Are those cited in your motion for attorneys' fees or in your
19 motion for final approval? I see Mr. Nelson nodding so I think
20 he has --

21 **MS. GEMAN:** Yes, they are. I was trying to get an
22 exact page for you --

23 **THE COURT:** Please.

24 **MS. GEMAN:** So I would reference Your Honor to docket
25 620, page 15 with a reference to the same docket numbers that I

1 was just reading into the record for Your Honor.

2 **THE COURT:** And just to be clear, you're telling me
3 that in those pages and paragraphs I will find information
4 about the reputational harm?

5 **MS. GEMAN:** Well I would say more risk than harm,
6 right, so I just want to be completely transparent. I don't --
7 you know, I think that there was the possibility that people
8 would be concerned or critical but what was discussed in the
9 declarations was just how much they were sort of out there, how
10 much communications they had with the other people in the class
11 and that we think is a point in addition to the main points we
12 made about -- that I already -- I won't repeat because Your
13 Honor knows the law.

14 **THE COURT:** All right. Thank you for that.

15 **MR. NELSON:** Thank you, Your Honor.

16 **THE COURT:** Let's talk now about the 18 million cost
17 reserve that counsel is requesting in the final approval
18 motion. And I of course want to note for you that that's
19 higher than the 17 million reserve requested in the initial fee
20 motion.

21 **MS. GEMAN:** Yes, Your Honor.

22 **THE COURT:** What I want to ask you all about because
23 what I don't see -- and, again, point me to it if I missed it,
24 I don't think I saw a breakdown of those costs that -- with any
25 specificity about why those amounts are appropriate so I could

1 really use a sense of what -- I could also really use a sense
2 of what kind of controls are in place to make sure spending
3 isn't out of hand and why it isn't appropriate to require you
4 all to submit requests for reimbursement as expenses are
5 incurred.

6 I also don't entirely understand what comprises the
7 deferred expenses, including the expert expenses, the work list
8 costs, the outside legal fees, so if you could point me to
9 where that's explained in the papers, because best as I can
10 currently tell, it is buttressed by a declaration -- by JND's
11 declaration where there's a paragraph that says these sums are
12 appropriate and that's all I've got.

13 **MS. GEMAN:** Yes, Your Honor.

14 So I would refer Your Honor to docket 619-1 which goes
15 into great detail starting around I believe paragraph -- in the
16 60s and follows for the information about, among other things,
17 excluded costs and explaining the new total. Your Honor had
18 asked I think why was the reserve updated from the original
19 December 2025 request of 17 million -- 17.03 million. This was
20 because we paid down costs relating to ongoing work on the
21 works list and other costs.

22 And in addition, we opt the reserve based on then
23 current information, in particular the claims rate being so
24 high, we opt the estimate for the special master from 1 million
25 to 1.5 million, and in addition, sought a ten percent

1 additional reserve. To be clear, Your Honor, we have no
2 objection to providing Your Honor on an ongoing basis with
3 costs as they become, you know -- for example, the special
4 master as his costs become, you know, incurred.

5 I believe Your Honor knows that JND, we negotiated
6 with them and there's a cap of 15 million and that's much --
7 that's the Lion's share of the reserve. And so really, Your
8 Honor, this was just based on of kind of facts on the ground,
9 the huge claims rate, our best estimate.

10 Of course, Your Honor, any money that is not spent on
11 this cost reserve will go back to the class, and so we -- you
12 know, and then I think Your Honor also asked how do we -- you
13 know, how do we sort of keep costs down and we did address this
14 in the papers but at a high level there are some categorical
15 exclusions such as meals and hotels, internal printing costs.
16 Obviously money to fee experts is not chargeable to the class
17 and we would not charge it to the class. We have taken care to
18 limit costs, mindful that, you know, we don't want to be penny
19 wise pound foolish so we did put a lot of work and risk into
20 work such as the class list development and other matters.

21 But we do feel that it's a reasonable cost amount
22 relative to cases of this massive size. And, again, Your
23 Honor, we're an open book. Whatever type of reporting you
24 would like that's more granular is absolutely acceptable.

25 **THE COURT:** Ms. Geman, just to make sure I'm following

1 this. You're pointing me to 16 -- excuse me, 619-1. I just
2 want to make sure that I -- I encourage you all to please point
3 me back to what you've already submitted so I did hear you sort
4 of lead with that answer. Is that the one place you're
5 pointing me? Is there anywhere else you want to point me?

6 **MS. GEMAN:** So, yes, Your Honor. We would -- and,
7 Your Honor, I apologize I think I said starting in the 60s and
8 going through the 70s, but my partner is telling me to be a
9 little more precise. And page -- paragraph 17 of our -- no, 77
10 of our reply dec goes into more detail.

11 I would also note, Your Honor, that the cost
12 discussion in the reply in support of our fees addressed cost
13 issues and those had the corresponding decs as well. But the
14 sort of charts that go through precisely what the different
15 costs are and who the vendors are found in the declaration,
16 Your Honor.

17 **THE COURT:** Thank you, Ms. Geman.

18 Let me ask you a question about the request for
19 reimbursement of costs. I see that one of the declarations
20 filed in support of your motion for final approval says the
21 total exact cost fund payments for which reimbursement are
22 sought are \$2,779,950.26; \$2,439,950.26 contributed by class
23 counsel and \$340,000 contributed by the Edelson Firm which
24 contributed after they joined the case and that's at docket
25 number 619-1 at 17, and I have three questions about this.

1 First, the last time many of us saw each other, maybe
2 not everyone was present, but the last time we all saw each
3 other, I referenced that Judge Alsup had previously told you
4 all that non appointed counsel -- and I doubled down on his
5 assertion -- that non appointed counsel won't be getting
6 compensated out of class funds. So I'd like to understand why
7 the Edelson Firm's expenses are included, and I need to know if
8 you folded any other non class counsel's attorneys expenses
9 into what class counsel is currently requesting.

10 **MS. GEMAN:** Thank you, Your Honor.

11 Just for clarity, the reference to the Edelson Firm's
12 340,000 contribution was not that firm's incurred costs, but
13 conversely, their contribution into the cost fund. So that --
14 so they wound up contributing approximately 12.2 percent of the
15 cost fund, the last contribution being before we last saw each
16 other, Your Honor.

17 So this was not their -- you know, their travel for
18 depositions or anything like that, this was their contributions
19 into the cost fund. That firm had contributed about 11.4
20 percent of the total unreimbursed litigation expenses. But
21 what that money was used for not costs of other counsel but
22 instead the -- you know, that share of the vendors and costs
23 noted in our cost fund chart at paragraph 66 of 619-1.

24 So I don't know if that makes sense to Your Honor but
25 it's -- so it's what they paid in not what they took out.

1 **THE COURT:** I understand that but you're asking me to
2 reimburse that and it looks to me like you're asking me to
3 reimburse the Edelson Firm in from class funds and that's the
4 part I need you to explain to me.

5 **MS. GEMAN:** Okay. I understand Your Honor. So Your
6 Honor is saying that if indeed that, you know, that the costs
7 would follow the fees and not be reimbursable, you know, we
8 would respectfully request that those were costs for the
9 benefit of the class, but whatever Your Honor decides is what
10 Your Honor decides. I do just want to be transparent though,
11 you know, about what those costs were for.

12 **THE COURT:** I appreciate that.

13 All right. Here is my second question about this
14 request for reimbursement of costs. There's a new figure --
15 there's a new figure that is almost 810 -- or this new figure,
16 rather, the new figure of 2,77 -- I don't want to say it again.

17 **MS. GEMAN:** 2.7.

18 **THE COURT:** 2.7 or 2.8 if we round up but that's the
19 point, we're lawyers, and even though I should be able to read
20 the dollar amount, it's just too hard on the fly.

21 So, all right. So this new figure is about \$810,000
22 more than the original expense figure that was closer -- or
23 just above 1.9 or, you know, again, rounding up, just 2 million
24 requested in the fee motion filed back in December. So let me
25 ask you, should I treat that motion, the original motion, as

1 withdrawn and superseded by the final approval for that number,
2 are you now requesting -- are you now requesting the
3 \$2,779,950.26? Should I -- is that what you're requesting now,
4 or should I look at the entirely -- at this new entirely
5 different number which I think is \$2,975,197 and 70 something
6 cents.

7 **MS. GEMAN:** 74 cents.

8 **THE COURT:** I've got an extra digit in my notes which
9 is why I hedged.

10 **MS. GEMAN:** Yes. Thank you, Your Honor.

11 **THE COURT:** That's what's in the reply brief. What do
12 you want me to look at?

13 **MS. GEMAN:** Sorry. I can be very unambiguous. The
14 2.975 reflects the cost fund plus internal Lieff and Susman
15 costs that didn't go to the cost fund but that are relatively
16 minor because that's the delta between the 2.97 and the 2.779.
17 Upshot is that's what we've already paid and we just updated
18 basically for Your Honor.

19 **THE COURT:** Thank you.

20 And then last question with regard to this, I saw an
21 entry in your declaration, Ms. Geman, in support of the fee
22 motion at docket number 505-3, paragraph 55 for outside legal
23 fees in the amount of \$199,000 for special -- for, quote,
24 specialized counsel efforts necessary to prosecute the case
25 efficiently. That 199,000 went up to 626,000 in the final

1 approval motion.

2 I'm not -- I would really appreciate some explanation
3 of how that number tripled in the course of three months and
4 why it should be reimbursed. It looks like another attempt to
5 get non appointed attorneys paid out of the common fund.

6 **MS. GEMAN:** Your Honor, the 626,111.08 for outside
7 legal fees was paid to the firms that were mentioned in the 34
8 questions that Judge Alsup had us do as assisting with
9 particularized projects related to settlement and appellate
10 issues. That -- the beneficiaries of that payment were
11 MoloLamken, Vinson & Elkins, and Irell & Manella. This doesn't
12 include any money to the other law firms of whom you were
13 speaking.

14 And, again, this conceptually was flagged -- or not
15 just conceptually but specifically flagged in the Court's
16 questions and that is a specific and precise amount that has
17 been paid to those questions.

18 **THE COURT:** Thank you, Ms. Geman.

19 I'm going to shift a little bit now in case it
20 means -- to you, flag for Mr. Nelson if he needs to get up on
21 his feet -- but my remaining questions have to do with the
22 attorneys' fees. I'm right to look at that.

23 **MS. GEMAN:** You're right, Your Honor.

24 Thank you, Your Honor.

25 **MR. NELSON:** Thank you, Your Honor.

1 **THE COURT:** Of course.

2 So, Mr. Nelson, let me -- let's talk a little bit
3 about the estimated hours for anticipated future legal work and
4 what they're based on. In the initial fee motion class counsel
5 represented that the total lodestar for all of the firms was a
6 little over 22 million. When that motion was filed, the
7 estimate future work was 14,066 and a half hours totaling
8 9.8 -- 9.9 million in fees which raised the total lodestar to
9 32 -- I'm going to start rounding here, folks -- to about 32
10 million.

11 If I have the numbers right, class counsel's current
12 lodestar is 22.7 million which takes into account work
13 performed from December 2025 to March 2026 and class counsel
14 are claiming a total lodestar of more than 27 million to
15 account for anticipated future work. So here is -- I'm running
16 through that just so you can tell me if I'm following all of
17 that, but my question for you is where is this anticipated
18 future work described in detail?

19 **MR. NELSON:** I believe it's described in our original
20 declaration attached to our December 3rd fee filing that
21 describes in detail how we came up with that projection. We
22 then -- to be clear, we believe that that is based upon what
23 actually has happened a very conservative projection. We have
24 not updated that projection since the actual time, even though
25 our actual time as incurred has been more than anticipated as

1 we have gone forward.

2 And given the amount of claims, we expect that given
3 the dealing with the number of claims that it's still a highly
4 conservative projection but we are not increasing it from what
5 our original projection was in that December 3rd filing.
6 That's docket 505-1, paragraph 16 through 21.

7 **THE COURT:** Thank you.

8 One more question for you about the fee request. In
9 looking through your materials, I see that you all cited most
10 non megafund cases and out of circuit authorities. I'd like
11 you to identify for me your three best in circuit megafund
12 cases that I should look to in continuing to consider your
13 request for attorneys' fees.

14 **MR. NELSON:** Thank you.

15 **THE COURT:** Yeah. I just want to say I'm especially
16 looking for something that justifies your 6.92 multiplier.

17 **MR. NELSON:** Thank you, Your Honor.

18 Well two things. First, I think that the best case
19 from this circuit is Judge Wilken's recent order in the NCAA
20 case. That was, I believe, a 20 percent fee. Now, the
21 multiplier was around 3.3 or 3.4. It was lower than that but I
22 do want to emphasize three points with respect to the
23 multiplier.

24 The first is this was a fantastic result for the class
25 as a whole and that is not just my saying so, that is evidenced

1 by the claims rate here. It is evidenced by Judge Alsup's
2 comment at the November 3rd -- excuse me, November 13th hearing
3 where Judge Alsup stated that this was a home run and there is
4 a narrow path towards a home run. He complimented all counsel,
5 including the defendant's counsel, of course.

6 But it was -- so that's point number one which is this
7 -- it was a -- and the most important point here is that we
8 have a \$1.5 billion cash settlement plus we have substantial
9 injunctive relief that is a part from the monetary relief, and
10 we have a very limited past release. So that's point number
11 one is the fantastic result.

12 Point number two is this is not simply a creature of
13 multiplying a very large number by another very large number.
14 This was really in two respects a creation of class counsel.
15 First, when this case was originally filed, Pirate Library
16 Mirror and Library Genesis were not included. Anthropic in
17 fact tried very hard to hide that fact.

18 We, after substantial discovery, uncovered their
19 piracy which led to this result. And so this was not a case of
20 going into it that simply we knew what was going on. We had to
21 really uncover and dig into the facts through repeated motions
22 in front of Judge Alsup. And so that by itself shows, I think,
23 the diligence and the work and the effort that went into it.

24 But there's more, which is this is an untested area of
25 law. This is not something, again, where this is the first

1 major AI settlement. Judge Alsup's opinion I think beat Judge
2 Chhabria's opinion by a day and so it really was the very first
3 opinion on these matters. And so we are -- we are at the
4 forefront of law and we are taking substantial risk on this,
5 and still to this day given the \$15 million dollars, for
6 example, in potential costs if this settlement falls through,
7 we are still taking substantial risk with respect to that.

8 And the third point, I would point Your Honor to
9 Professor Rubenstein's declaration -- sorry. Before I go on to
10 point three, there is another point, which is in addition to
11 all of what I just described, the works list itself was a
12 hugely important undertaking, and unlike other classes where
13 one can just download a list of, for example, people who used
14 Google Ad words or who have a Facebook account, this was a case
15 where we had to intensely, intensely develop the works list to
16 get to the 482,000 works on the works list that we spent -- our
17 goals were to be maximally accurate and maximally
18 comprehensive.

19 In other words, the class size is due to our own
20 efforts to create that. And it should give comfort, by the way
21 on that point, that Anthropic by the terms of the settlement,
22 had the ability to add up to 17,000 more works that would have
23 been for the same price. When we originally negotiated the
24 settlement, it was up to 500,000 works for the same \$1.5
25 billion. In other words, there was no cost for Anthropic to

1 add more works if those works actually existed and met all of
2 the criteria of the class.

3 The fact that there were still a delta of 17,000 which
4 is why the actual per work settlement here is not 3,000, it's
5 3,100 is because we did not go to 499,999. So what we did was
6 really spend an incredible.

7 Amount of effort to develop the very class list that
8 is being used.

9 And point number three is Professor Rubenstein's
10 declaration which I would point Your Honor to because it's
11 really -- it's attached to our original fee petition. It talks
12 about how we were incredibly efficient. And that as compared
13 to other megafund cases, we have a substantially lower number
14 of hours and did it in a very effective way.

15 And look, Your Honor, I also think that that is a
16 credit to Judge Alsup. He kept us on track, he kept us moving,
17 and he kept us efficient. So I don't want to say it is all
18 class counsel's doing but it was -- we did not -- you know,
19 again, just as an objective matter as described by Professor
20 Rubenstein's declaration who very much believes in the lodestar
21 cross-check, and our two declarants were Professor Fitzpatrick
22 and Professor Rubenstein who really approached these from
23 opposite directions, and I would encourage Your Honor to read
24 Professor Rubenstein's declaration and our description of that
25 in our reply fee motion which really does go into the

1 efficiency part of it.

2 The other point, again, because this is such a cutting
3 edge area of law and as Professor Rubenstein does describe,
4 this really is -- I don't mean a legal precedent but it really
5 does set a path for other potential settlements going forward
6 in how to handle these large AI class actions. So all of that
7 -- and of course the -- there's of course law from the Ninth
8 Circuit as well that of course a lodestar -- and I understand
9 Your Honor does do a lodestar cross-check, I'm not arguing
10 that, I just --

11 **THE COURT:** You already have in your papers.

12 **MR. NELSON:** So -- fair enough.

13 But there is, given the size of the recovery and the
14 excellent work, it is completely in line to have our reduced
15 fee request of 12.5 percent that -- we heard the Court, we
16 heard the objectors as they have come in. Almost all of them,
17 there's only eight deal with the fee request and most of those,
18 for example, don't actually talk about our percentage. There
19 are a couple but literally it is a couple. The rest say, for
20 example, it should be less than 20 percent or less than 15
21 percent, so we heard the Court and we tried -- we weren't
22 trying to negotiate against ourselves. We were trying to do a
23 real number that this court could approve that fell within the
24 range of multipliers.

25 The other case I would say is -- I believe it's the

1 *Gutierrez* case from Judge Alsup where Judge Alsup said that a
2 5.5 multiplier was well within the range of a reasonable
3 multiplier and so -- and that wasn't as large as this but it
4 was a very large settlement.

5 And then I would also point Your Honor to the -- it's
6 *Cambridge Analytica*. Because Your Honor asked for three so --
7 it's Facebook, Your Honor. And those are cited in our proposed
8 order as well. But those would be the three that I would give
9 Your Honor in addition to the Ninth Circuit law that's cited
10 there.

11 **THE COURT:** Thank you, Mr. Nelson.

12 So, folks, I want to thank you for sitting through all
13 of this. I also want to thank you for your presentations and I
14 understand that defense counsel wants to be heard at least with
15 regard to whether or not the late objections -- or, excuse me,
16 the late opt-outs are considered.

17 I'm going to take the matter under submission.

18 You can expect short orders to follow, let's say, by
19 tomorrow because I will ask you all for submissions, brief
20 submissions to help keep this moving and get it -- and get us
21 to wherever we're going.

22 Ms. Durie, do you have something you want to add?

23 Okay. Thank you, all.

24 **MR. NELSON:** Thank you.

25 **THE COURT:** Have a good rest of your day.

1 **COURTROOM DEPUTY:** Court is in recess.

2 (Proceedings adjourned at 3:13 p.m.)

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10 **CERTIFICATE OF REPORTER**

11 I certify that the foregoing is a correct transcript
12 from the record of proceedings in the above-entitled matter.

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14 DATE: Friday, May 15th, 2026.

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19 Andrea K. Bluedorn

20 Andrea K. Bluedorn, RMR, CRR
21 Official United States Reporter
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