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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 SARAH ANDERSEN, et al.,

13 *Plaintiffs,*

14 v.

15 STABILITY AI LTD., et al.,
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17 *Defendants.*
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Case No. 3:23-cv-00201-WHO

JOINT STATUS REPORT

Discovery Conference Date: April 29, 2025

Time: 2:00 PM

Place: via Zoom

Judge: Hon. Lisa J. Cisneros

Pursuant to the Court's April 9, 2025 Order (ECF No. 268), the Parties, by and through their undersigned counsel, respectfully submit this Joint Status Report in advance of the Discovery Status Conference on April 29, 2025. As requested by the Court, this report provides a joint proposed agenda for the Conference as well as the Parties' anticipated schedule for conducting discovery in this case.

I. Joint Proposed Agenda

The Parties jointly propose the following topics for discussion:

• Discovery Progress Report

- The Parties engaged in a series of productive meet and confers on the Protective Order, ESI Order, and Deposition Protocol.
- The Parties are continuing to meet and confer on the production of training data, including the contents, format of production, and volume of production.
- The Parties are continuing to meet and confer on their respective written discovery requests, namely, Plaintiffs' requests for production, including requests on training data, and Defendants' requests for production and interrogatories.
- The Parties intend to meet and confer on custodians and search terms soon.
- The Parties anticipate document production will begin soon.

- **Proposed Revised Schedule:** The Parties jointly agree that, in an effort to further this good progress, they would benefit from a slightly modified case schedule, which is outlined below.

II. Anticipated Schedule for Conducting Discovery

A. Joint Proposed Revised Schedule

The Parties jointly propose the below revised case schedule for discovery, which modifies two dates (***bolded*** below). This proposal does not move the close of fact discovery or any subsequent dates.

<u>Event</u>	<u>Current Schedule</u>	<u>Proposed Revised Schedule</u>
Substantial completion of production of training data	May 21, 2025	May 21, 2025
Substantial completion of document discovery	July 25, 2025	<i>October 3, 2025</i>

Producing party to produce privilege logs for any documents withheld on the basis of any privilege to date	August 26, 2025	<i>October 31, 2025</i>
Deadline for parties to file amended pleadings	January 12, 2026	January 12, 2026
Close of fact discovery	March 13, 2026	March 13, 2026

B. Additional Proposed Interim Discovery Deadlines

Defendants' Position: To avoid unnecessary and burdensome scrambling near the close of fact discovery, Defendants respectfully request that this Court order the below interim discovery deadlines. These deadlines will help to streamline discovery and eliminate opportunities for gamesmanship, which is particularly important here given the profile and number of parties as well as the complexity of the issues in this case. *See* ECF No. 267 (J. Orrick Order) (emphasizing the importance of cooperation and “targeted discovery proportional to each defendant’s size and alleged role in the actionable conduct”).

<u>Event</u>	<u>Proposed Deadline</u>	<u>Explanation</u>
Deadline to serve requests for production of documents without leave of Court or parties’ agreement	July 16, 2025	This deadline would allow sufficient time for the Parties to serve requests, meet and confer, investigate, and produce most documents by the substantial completion of document discovery deadline. If a party needs requests later based on new developments, such requests can be served by agreement or leave of Court.
Deadline to serve FRCP 30(b)(6) notice(s) (limited to 10 topics per Defendant*)	September 15, 2025	This date allows sufficient time for objections, meet and confer, investigation, scheduling, preparation, and depositions. The topic limitation is beneficial as it reasonably (1) requires Plaintiffs to serve notices with appropriate scope for issues in the case; (2) is tailored to the time allotted for 30(b)(6) depositions (13 hours per Defendant); and thus (3) appropriately balances burden on Defendants, by limiting topics to those that can reasonably be prepared for and covered within time limits.
Deadline to notice any deposition(s) and subpoena(s)	February 13, 2026	This date requires Parties to serve notices with sufficient time (1 month) before close of fact discovery, allowing time for objections, scheduling, preparation, and depositions. This is particularly important given the number of parties and the fact that there may be many dozens of depositions, which will require advance scheduling and planning.

1 Defendants respectfully also request that the Court adopt Judge Donato’s rule regarding Rule
2 30(b)(6) deposition topics. See [Standing Order for Discovery in Civil Cases Before Judge Donato](#),
3 ¶ 16(a). Namely, here, a party may seek 30(b)(6) depositions from another party on up to a total of 10
4 topics (for the entire case) described with reasonable particularity. If a 30(b)(6) notice includes an
5 overbroad topic, that topic shall be unenforceable and may not later be replaced. An overbroad topic
6 burns one of the 10 subject matters and cannot be replaced with a substitute unless the Court so orders.

7 **Plaintiffs’ Position:** There is no need for Defendants’ interim deadlines. No documents have yet
8 been produced, and no deposition notices have been issued, let alone taken. Defendants have provided
9 no basis to alter the limitations in the Federal Rules or as agreed by the Parties.

10 Defendants’ interim RFP deadline (preceding the discovery cutoff by nearly a year) would
11 frustrate the ESI discovery process in this complex and technical case. See, e.g., *Integral Development*
12 *Corp. v. Tolat*, 2013 WL 5120682, at *2 (N.D. Cal. Sep. 13, 2013) (recognizing parties can tailor further
13 discovery from early productions). Indeed, each Defendant has acknowledged discovery will be iterative
14 in their meet and confers with Plaintiffs. Conditioning the issuance of more RFPs so early in discovery,
15 however, would frustrate the liberal and permissive discovery standard of Rule 34. In any event, this
16 Court has already set a deadline that addresses Defendants’ concerns—the fact discovery deadline. See
17 *L.A. News. Serv. v. CBS Broad., Inc.*, 305 F.3d 924, 933 (9th Cir. 2002) (“The purpose of a discovery
18 cutoff date is to protect the parties from a continuing burden of producing evidence and to assure them
19 adequate time to prepare immediately before trial.”).

20 With respect to deposition limitations, the Parties have already negotiated a deposition protocol.
21 Defendants now seek to subvert that Protocol by injecting new limitations on depositions which were
22 raised for the first time mere days ago when Defendants provided a draft of this draft statement. Further,
23 Defendants have provided no basis to depart from the limitations in the Federal Rules. *Sigwart v. U.S.*
24 *Bank Nat’l Ass’n*, 2019 WL 2714496, at *2 (D. Hawaii Jan. 16, 2019) (“Rule 30(b)(6) does not limit the
25 number of matters for examination.”); *Lam v. City and Cnty of San Francisco*, 2011 WL 4915812, at *3
26 (N.D. Cal. Oct. 17, 2011) (“[T]here is no fixed rule because the reasonableness of the notice [under Rule
27 30(b)(1)] must be evaluated in light of the circumstances of each particular case.”); see also *Sigwart*,
28 2019 WL 2714496, at *2 (notice that included 70 30(b)(6) topics adequate).

Dated: April 24, 2025

Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL L.R. 5-1

The filer attests that the other signatories listed, on whose behalf the filing is also submitted, are registered CM/ECF filers and concur in the filing's content and have authorized the filing.

Dated: April 24, 2025

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