

Exhibit A

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24 **UNITED STATES DISTRICT COURT**
25 **NORTHERN DISTRICT OF CALIFORNIA**
26 **SAN FRANCISCO DIVISION**

27 SARAH ANDERSEN, et al.,
28 *Individual and Representative Plaintiffs,*
v.
STABILITY AI LTD., et al.,
Defendants.

Case No.: 3:23-cv-00201-WHO

**PLAINTIFFS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT MIDJOURNEY, INC.**

PROPOUNDING PARTIES:

Sarah Andersen
Kelly McKernan
Karla Ortiz
H. Southworth PKA Hawke Southworth
Grzegorz Rutkowski
Gregory Manchess
Gerald Brom
Jingna Zhang
Julia Kaye
Adam Ellis

RESPONDING PARTIES:

Midjourney, Inc.

SET NUMBER:

One (1)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs Sarah Andersen, Kelly McKernan, Karla Ortiz, H. Southworth PKA Hawke Southworth, Grzegorz Rutkowski, Gregory Manchess, Gerald Brom, Jingna Zhang, Julia Kaye, and Adam Ellis (“Plaintiffs”) hereby request that Defendant Midjourney, Inc. (“Midjourney”) produce and permit inspection and copying by Plaintiffs of all Documents, electronically stored information, and things that are in Your possession, custody, or control and are responsive to the following Requests for Production within thirty (30) days following the date of service of these Requests.

DEFINITIONS

As used herein, the following words, terms, and phrases—whether singular or plural, or in an alternate verb tense—shall have the meanings ascribed below. Defined terms may not be capitalized or made uppercase. The given definitions apply even if a term in question is not capitalized or made uppercase. No waiver of a definition is implied by use of a defined term in a non-capitalized or lowercase form. Each of these definitions and instructions is incorporated into each of the requests to which it pertains. Notwithstanding any definition below, each word, term, or phrase used in these requests for production is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. All words not defined in the Definitions shall be construed using their plain and ordinary meaning. If more than one meaning can be ascribed to a word, the meaning that would make a Document be covered by the Requests for Production should be used.

1 19. “Stability Image Apps” means all user-facing software applications based on the Stability
2 Image Models, including ClipDrop, InitML, and/or Reimagine XL.

3 20. “Stability Image Apps” means all user-facing software applications based on the Stability
4 Image Models, including ClipDrop, InitML, and/or Reimagine XL.

5 21. “Stability Image Models” means all AI image-generation models created by Stability
6 UK, solely or in collaboration with others, that used LAION-5B or any subset thereof as Training Data,
7 whether released or unreleased, including Stable Diffusion 2.0 and Stable Diffusion XL 1.0.

8 22. “Training Data” means any information or dataset in any form that has been used,
9 processed, ingested, or referenced to develop, improve, refine, or validate machine learning models
10 or artificial intelligence systems, including collections of text, images, or other content used to train
11 such systems to recognize patterns, generate outputs, or make predictions. This includes both raw
12 data and any preprocessed, transformed, or derivative versions of such data used during the training
13 process. It includes any phase of the training process where data was supplied as input, including
14 pre-training or fine-tuning.

15 23. “You,” “Your,” or “Your company” means Midjourney, its predecessors, successors,
16 subsidiaries, departments, divisions, and/or affiliates, including without limitation any organization or
17 entity which Midjourney manages or controls, together with all present and former directors, officers,
18 employees, agents, representatives, attorneys (subject to any applicable privileges), or any other person
19 acting on Your behalf.

20 INSTRUCTIONS

21 1. In answering and responding to these Requests, You shall furnish such information and
22 Documents in Your possession, custody or control, including information that is in the possession,
23 custody or control of Your directors, officers, employees, agents, representatives, attorneys (subject to
24 any applicable privileges), or any other person acting on Your behalf.

25 2. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, these Requests for
26 Production shall be deemed to be continuing in nature so that, if You, Your directors, officers,
27 employees, agents, representatives, attorneys (subject to any applicable privileges), or any other person
28 acting on Your behalf, subsequently discover or obtain possession, custody, or control of any Document

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documents sufficient to identify all persons by department and job description who have directly participated in the planning, conception, design, programming, testing, pretraining, fine-tuning, deployment, or commercialization of any of the Midjourney Models during the Relevant Time Period.

REQUEST FOR PRODUCTION NO. 2:

Documents sufficient to identify all individuals, currently or formerly employed by You, including their roles and titles, who work or worked on licensing, acquisition, or purchasing efforts with respect to AI Training Data, including for the Midjourney Models.

REQUEST FOR PRODUCTION NO. 3:

All organizational charts, reporting structures, and personnel directories detailing the hierarchies, roles, and responsibilities within departments involved in the development, training, deployment, or commercialization of any Midjourney Model. This request encompasses all versions and iterations of such charts created or in effect during the Relevant Time Period.

REQUEST FOR PRODUCTION NO. 4:

The Training Data for Midjourney Models 1-4 (including any subversions).

REQUEST FOR PRODUCTION NO. 5:

The Training Data for Midjourney Model 5 (including subversions 5.0, 5.1, and 5.2).

REQUEST FOR PRODUCTION NO. 6:

The Training Data for Midjourney Model 6 (including subversion 6.1).

REQUEST FOR PRODUCTION NO. 7:

The Training Data for any Midjourney Model in development or developed during the pendency of this litigation.

REQUEST FOR PRODUCTION NO. 8:

The Source Code for Midjourney Models 1-4 (including any subversions).

REQUEST FOR PRODUCTION NO. 9:

The Source Code for Midjourney Model 5 (including subversions 5.0, 5.1, and 5.2).

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Dated: November 12, 2024

By: /s/ Joseph R. averi
Joseph R. Saveri

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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On November 12, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT MIDJOURNEY, INC.**

I declare under penalty of perjury that the foregoing is true and correct. Executed November 12, 2024, at San Francisco, California.

By: /s/ Myra Tanting
Myra Tanting

SERVICE LIST

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