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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SARAH ANDERSEN, et al.,

Plaintiffs,

v.

STABILITY AI LTD., et al.,

Defendants.

Case No. 3:23-cv-00201-WHO (LJC)

JOINT STATUS REPORT

Discovery Conference Date: Nov. 18, 2025

Time: 1:30 PM

Place: via Zoom

Judge: Hon. Lisa J. Cisneros

I. Introduction

Pursuant to the Court’s directive following the September 16, 2025, Discovery Status Conference, ECF No. 339, Plaintiffs Sarah Andersen, Karla Ortiz, Grzegorz Rutkowski, Gregory Manchess, Gerald Brom, Jingna Zhang, Julia Kaye, and Adam Ellis (collectively, “Plaintiffs”), along with Defendants Stability AI Ltd. and Stability AI, Inc. (together, “Stability AI”), DeviantArt, Inc. (“DeviantArt”), Midjourney, Inc. (“Midjourney”), and Runway AI, Inc. (“Runway”) (collectively, the “Parties”), by and through their undersigned counsel, respectfully submit this Joint Status Report. The Court instructed that “by October 16, 2025, the parties shall file a joint report addressing the status of other custodians and search terms that are still being negotiated and the parties’ respective positions.” *Id.* at 1. This report provides the Court with the current status of these matters.

II. Custodian and Search Term Negotiations

Plaintiffs’ Position

The status of the Parties’ negotiations regarding search terms and custodians is set forth below. Based on Plaintiffs’ complete review of DeviantArt’s production and preliminary review of productions from Stability AI, Runway, and Midjourney, Plaintiffs expect to seek additional custodians, search terms, and clarification of responses to Plaintiffs’ document requests. Plaintiffs reserve all rights with respect to discovery, consistent with the ESI Protocol and the Court’s Orders.

Midjourney: Midjourney agreed to run 13 search term strings across 6 custodians in advance of the October 3 substantial completion date. Subsequently, Midjourney agreed to run an additional search term string on a non-custodial email account.

At the September Status Conference, the Court directed the parties to complete their meet and confer regarding 2 disputed Midjourney custodians and, if the disputes remained unresolved, file a joint letter brief by October 1, 2025. ECF Nos. 339 at 1; 343 at 6. After further consideration, Plaintiffs decided not to pursue their request for these custodians, reserving all rights to revisit custodian issues as discovery proceeds.

DeviantArt: DeviantArt agreed to run 8 search term strings across 4 custodians in advance of the October 3 substantial completion date.

1 At the September Status Conference, the Court directed the parties to complete their meet and
2 confer regarding one disputed DeviantArt custodian and, if the dispute remained unresolved, file a joint
3 letter brief by October 1, 2025. ECF Nos. 339 at 1; 343 at 6. After further consideration, Plaintiffs
4 decided not to pursue their request for this custodian, reserving all rights to revisit custodian issues as
5 discovery proceeds.

6 **Runway:** Runway agreed to run 10 search term strings across 6 custodians in advance of the
7 October 3 substantial completion date.

8 **Stability:** Stability agreed to run 10 search term strings across 7 custodians. Plaintiffs expect
9 Stability to produce documents on a rolling basis.

10 **Plaintiffs:** Plaintiffs ran 22 search term strings in advance of the substantial completion date.
11 Since that time, Plaintiffs have agreed to run 9 additional search term strings. Negotiations regarding
12 search term strings to run on Plaintiffs' documents in response to Defendants' first sets of document
13 requests are complete.

14 ***Defendants' Positions***

15 **Runway's Position:** The parties' negotiations regarding custodians and search terms are
16 complete. Plaintiffs agreed to run the 14 terms Runway requested across their repositories. Runway has
17 made productions from the six agreed-upon custodians using search terms requested by Plaintiffs.

18 **Midjourney's Position:** Midjourney disagrees that any additional custodians or search terms are
19 warranted but otherwise agrees with Plaintiffs' write-up above, and adds that it is in the process of
20 reviewing the additional documents collected from the non-custodial email account described above. As
21 previously noted, the fourteen search term strings Midjourney agreed to run are compound and exceed
22 the 15-term limit imposed by the Court. Midjourney understands that each Plaintiff agreed to and has
23 run either 7, 8, or 9 search strings depending on the claims asserted by that Plaintiff.

24 **DeviantArt's Position:** DeviantArt agreed to run eight search term strings proposed by Plaintiffs
25 across an agreed list of four DeviantArt custodians. Plaintiffs agreed to run six search terms proposed
26 by DeviantArt across all Plaintiffs.

27 **Stability AI's Position:** On October 8, 2025, the parties conferred and reached agreement on ten
28 search strings to be applied across seven custodians for Stability AI's custodial document review and

1 production. On October 14, 2025, the parties completed negotiations and agreed to three Stability AI-
2 specific search strings to be applied across all Plaintiffs' custodial documents for Plaintiffs' review and
3 production.

4 **III. Conclusion**

5 Consistent with the Court's directive at the September 16, 2025, Discovery Status Conference,
6 this report addresses the current status of custodian and search term negotiations. The Parties continue to
7 meet and confer in good faith on these and other discovery issues and will provide a comprehensive
8 status update in the November 12, 2025, Joint Status Report.

1 Dated: October 16, 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: October 16, 2025

/s/ Joseph R. Saveri
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