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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

21 ANDREA BARTZ, ANDREA BARTZ, INC.,)
22 CHARLES GRAEBER, KIRK WALLACE)
23 JOHNSON, and MJ + KJ, INC., individually)
and on behalf of others similarly situated,)

24 Plaintiffs,)

25 v.)

26 ANTHROPIC PBC,)

27 Defendant.)
28

Case No.: 3:24-cv-05417-WHA

**PLAINTIFFS' EX PARTE APPLICATION FOR AN
ORDER SHORTENING TIME TO HEAR
PLAINTIFFS' MOTION FOR AN ORDER
LIMITING THIRD PARTY'S COMMUNICATIONS
WITH CLASS MEMBERS AND FOR OTHER
RELIEF PURSUANT TO FED. R. CIV. P. 23(D)**

1 **I. INTRODUCTION**

2 Plaintiffs respectfully apply *ex parte* for an order shortening time to hear their Motion for Order
3 Limiting Third-Party’s Communications with Class Members and for Other Relief Pursuant to Federal Rule
4 of Civil Procedure 23(d). Dkt. No. 442. Plaintiffs request that the hearing be held on November 12, 2025, or
5 on the earliest convenient date for the Court. The urgency arises from the deceptive actions of nonparty
6 ClaimsHero Holdings LLC (“ClaimsHero”), which is actively running a misleading opt-out solicitation
7 campaign masquerading as a “claims” assistance service. As explained in Plaintiffs’ brief (Dkt. No. 442),
8 ClaimsHero’s social-media advertisements tell Class Members they “may be eligible to file a claim for
9 compensation” and direct Class Members to a webpage labeled “Anthropic Copyright Infringement.” Once
10 at the website, Class Members saw or see prominent prompts such as “Start claim,” “claim your share in
11 minutes,” and “Max Claim,” suggesting that users are submitting a Settlement claim. In reality, ClaimsHero’s
12 sign-up flow authorizes ClaimsHero to opt users out of the Settlement without providing Court-approved
13 disclosures or contact details for Class Counsel or the Settlement Administrator. This bait-and-switch risks
14 confused, uninformed opt-outs, chills participation, and subverts the Court-approved notice and claims
15 process—harms that compound with every day the campaign remains live. Good cause therefore exists for *ex*
16 *parte* relief under Civil Local Rules 7-10 and 7-11 and Federal Rule of Civil Procedure 23, so the Court can
17 promptly hear Plaintiffs’ motion regarding ClaimsHero’s communications before Class Members are further
18 prejudiced.

19 **II. BACKGROUND**

20 Plaintiffs have filed a targeted Rule 23(d) Motion because nonparty ClaimsHero is conducting a
21 misleading opt-out campaign that is already confusing Class Members and threatening the Court-approved
22 notice and claims process. At present, publication, digital, and social media notice are underway, and direct
23 notice (Long-Form and Email Notices) will issue within weeks, as soon as publishers finish submitting contact
24 information for authors. Class members have thus not yet received the full, Court-approved notices about their
25 rights, including full information about the differences between submitting a claim and opting out and the
26 consequences of exclusion. This makes Class Members particularly vulnerable to misleading third-party
27 solicitations.
28

1 ClaimsHero holds itself out online as a “claims” assistance service that, until very recently, featured a
2 prominent “Start claim” button on its opt-out webpage, which advised users to “[c]laim your share in
3 minutes”. Dkt. No. 442-2 at 1–2. At the time of this filing, the ClaimsHero webpage still refers to a “Max
4 Claim.” Dkt. No. 442-5 at 2. And the company’s paid social advertisements likewise invite users to see if they
5 are “eligible to file a claim for compensation,” to “Start Your Claim,” and to “[q]ualify today for potential
6 serious cash settlement,” driving traffic to its website. Dkt. No. 442-6 at 1–5. Once there, users are instructed
7 to “[c]reate an account to start your claim application” and told that ClaimsHero will “take care of the rest.”
8 Dkt No. 442-5 at 7. The webpage omits Court-approved information, fails to provide contact information for
9 Class Counsel or the Settlement Administrator, and does not explain the consequences and burdens of
10 exclusion.

11 Behind this claims-oriented veneer, ClaimsHero’s signup flow in reality authorizes ClaimsHero to
12 submit exclusion requests on users’ behalf. The site does not disclose that mass or “class” opt-outs are
13 prohibited, that each exclusion must be individually submitted to the Settlement Administrator, or that opting
14 out necessarily means forgoing Settlement benefits and pursuing separate litigation with attendant costs and
15 risks. The net effect is to divert Class Members from the Court-approved Settlement Website and to induce
16 uninformed (and likely accidental) exclusions.

17 Class Counsel discovered ClaimsHero’s campaign on November 1, 2025, immediately contacted
18 ClaimsHero, and met and conferred on November 3. Dkt. No. 422-1 ¶¶ 3-4. ClaimsHero refused to take down
19 its webpage or identify the scope of its solicitations, and made only minor, insufficient changes to the webpage
20 (e.g., adding “Opt Out Today” text while continuing to describe a “claim” application and “max claim”).
21 *Compare* Dkt No. 442-1 *with* 442-5. Given the ongoing ads (which, to Class Counsel’s knowledge, have not
22 changed at all and remain as misleading as ever), the persistence of a misleading webpage, and ClaimsHero’s
23 refusal to cooperate, prompt Court intervention on shortened time is necessary to prevent further harm and to
24 protect the integrity of the Court-ordered notice program.

25 **III. LEGAL STANDARD**

26 Plaintiffs seek expedited relief under Northern District of California Civil Local Rules 7-10 and 7-11
27 and Federal Rule of Civil Procedure 23. Civil Local Rule 7-10 authorizes an *ex parte* application when
28 permitted by a federal rule. Rule 23 provides that authority here. As the Supreme Court explained, because

1 class actions present opportunities for abuse and case-management problems, “a district court has both the
 2 duty and the broad authority to exercise control over a class action and to enter appropriate orders governing
 3 the conduct of counsel and parties.” *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 100 (1981). Rule 23(d)(1) authorizes
 4 orders needed to “protect Class Members and fairly conduct the action,” including restricting or directing
 5 communications and issuing corrective notice. Courts grant expedited, *ex parte* relief when ordinary
 6 calendaring would allow ongoing harm to compound. *See Cabrales v. BAE Sys. S.D. Ship Repair, Inc.*, No.
 7 21-cv-02122-AJB-DDL, 2023 WL 8608262, at *2–4 (S.D. Cal. Dec. 12, 2023) (granting *ex parte* application
 8 addressing misleading settlement communications). These standards are satisfied here and good cause exists
 9 for *ex parte* relief.

10 **IV. ARGUMENT**

11 **A. Good Cause Exists Because the Communications are Likely to Mislead, Chill Class** 12 **Participation, and Disrupt the Court-Approved Notice Program.**

13 A prompt hearing is necessary to preserve the integrity of the Rule 23 framework and to protect Class
 14 Members’ due process interests. *Ex parte* relief is warranted because ClaimsHero’s ongoing solicitations
 15 during the notice period are misleading, divert Class Members from the Court-approved Settlement Website,
 16 and induce premature exclusions without Court-approved disclosures, thereby risking irreparable prejudice to
 17 Class Members. These communications are especially pernicious given their timing before direct long-form
 18 and email notices issue, when the risk of confusion and accidental forfeiture of rights under the settlement is
 19 high. The record before the Court substantiates this urgency and establishes good cause for immediate
 20 intervention. *See* Dkt. No. 442 (Pls.’ Mot.; Geman Decl.; and Exs. A–E).

21 **B. Without Shortened Time, the Prejudice Will Compound and Become Difficult to** 22 **Remedy.**

23 The cumulative prejudice increases daily as paid distribution and influencer ads continue to reach
 24 Class Members. ClaimsHero misbrands exclusions as “claims,” touts quick “max claim” payouts, and directs
 25 users to “start your claim,” while its intake workflow prompts account creation to “start your claim
 26 application.” Dkt. Nos. 442-2, 442-5, 442-6. The phrasing and presentation persist even after superficial edits,
 27 continuing to obscure that the outcome of submitting information to ClaimsHero is an opt-out rather than a
 28 claim submission. Dkt. Nos. 442-5, 442-6. These communications are actively disrupting the Court-approved

1 notice plan by siphoning traffic from the official Settlement Website and contradicting the best practicable
2 notice contemplated by Rule 23(c)(2)(B). The Court-approved direct long-form and email notices are
3 designed to deliver comprehensive, plain-language disclosures explaining the differences between claiming
4 and opting out. ClaimsHero’s campaign sows confusion before those notices can even be delivered. Class
5 Members who sign up with ClaimsHero may even disregard the Court-approved notices when they arrive,
6 thinking that they have already submitted their claim or asked someone else to handle it. The Court should
7 hear the motion *ex parte* on shortened time and enter narrowly tailored relief halting ClaimsHero’s misleading
8 communications, requiring disclosures to enable corrective outreach, and authorizing curative notice.

9 **V. CONCLUSION**

10 For the foregoing reasons, Plaintiffs respectfully request that the Court grant their *ex parte* application
11 and advance the hearing on Plaintiffs’ Motion for an Order Limiting Third-Party’s Communications with
12 Class Members and for Other Relief Under Federal Rule of Civil Procedure 23(d) to November 12, 2025, or,
13 alternatively, to the earliest available date.

14
15 Dated: November 5, 2025

Respectfully submitted,

16 By: /s/ Rachel Geman

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: November 5, 2025

/s/ Rachel Geman _____

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