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

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

23 Plaintiffs,)

24 v.)

25 ANTHROPIC PBC,)

26 Defendant.)
27

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

**PLAINTIFFS' RESPONSE TO REQUEST FOR
INFORMATION (DKT. 485)**

1 Plaintiffs write in response to the Court's Order issued today (Dkt. 485) directing that Plaintiffs
2 “point to the record where class counsel clearly advised the Court” that Claims could be submitted before
3 direct notice was delivered.

4 The answer is Section 2 of the Plan of Allocation and Distribution (POA&D), Dkt. 401-1. That
5 section expressly provides that “[o]pt-out requests and Claim Forms may be submitted to the Settlement
6 Administrator *any time after Preliminary Approval*” (§ 2(d)), while direct notice would not be completed
7 until “59 days after Preliminary Approval.” (§ 2(b)-(c)). *Id* (emphasis added).

8 This is consistent with the overall timing of the notice program, under which (a) indirect notice,
9 publication of the Claim Form on the settlement website, and the claims process began within seven days of
10 Preliminary Approval; and (b) direct mail and email notice is scheduled to be completed slightly later, after
11 the collection of additional author contact information from major publishers (POA&D § 2(b)-(c)). *See also*
12 9/25 Hr’g Tr. 19:3-25 (discussing timing of direct notice, indirect notice, and the settlement website going
13 live). Plaintiffs’ written submissions in support of Preliminary Approval—both the POA&D and other
14 materials—also made clear that the Claims Form would be available to class members as soon as the
15 approved settlement website went live, and thus before the completion of direct notice. *See, e.g.*, POA&D
16 § 2(a)-(c) (“Within 7 days of Preliminary Approval . . . [t]he settlement website will go live, with, among
17 other things . . . copies of the long-form notice . . . *and Claim Form*” (emphasis added)); *id.* § 3(b)(i) (“The
18 Claim Form will be electronic and available on the settlement website.”); Dkt. No. 399 (Sept. 22, 2025
19 Suppl. Decl. of Jennifer M. Keough regarding Proposed Class Notice Plan) at ¶ 103 (“The Settlement
20 Website will feature a user-friendly, automated version of the Claim Form.”). Consistent with the POA&D
21 and other submissions,¹ the Settlement Administrator has been accepting both claim *and* opt-out
22 submissions since the Claim Form went live on the settlement website on October 2, 2025.

23 With respect to the Court’s concern about whether claimants have been apprised of their right to opt
24 out, there is every reason to believe that they have. The claims period opened with the approved launch of

25 _____
26 ¹ The Court approved the POA&D from the bench and in its Minute Entry on September 25, 2025 (Dkt.
27 427_001) (Minute Entry granting “preliminary approval to the plan of distribution”) and did so again in-
28 writing in its Memorandum Opinion on Preliminary Approval of Class Action Settlement on October 17,
2025. Dkt. No. 437 at 1 (“In this copyright action, the district judge granted preliminary approval to the
class settlement, preliminary approval to the plan of distribution, and preliminary approval to the plan for
notice.”) and 9 (“[T]he notice plan does not depend merely on one initial notice plus inquiry.”) (citation
omitted).

1 the settlement website on October 2, 2025. Any Class Member who has submitted claims to date will have
2 accessed the Claim Form through the website, which describes class members’ “Legal Rights and Options,”
3 including the option to “*Exclude Yourself* and all Rightsholders from the settlement (‘Opt Out’)” (emphasis
4 added). The settlement website also apprises class members of their right to opt out in several other places:

- 5 • The **Key Dates webpage** lists the January 7, 2026 deadline to “Exclude Yourself and all
6 Rightsholders from the settlement (‘Opt Out’).”
- 7 • The **FAQ webpage** includes a section consisting of four frequently asked questions (FAQs) about
8 “Excluding Yourself from the Ongoing Lawsuit,” reproduced from the Long-Form Notice.
- 9 • The **Long-Form Notice**, which was available on the “Important Documents” webpage until
10 November 7, 2025, contained detailed descriptions of Class Members’ right to opt out of the
11 settlement.
- 12 • The **Plan of Allocation and Distribution** (2.f “Opt-Out Process”), the **Class Action Settlement**
13 **Agreement** (§ 4.14 “Right to Request Exclusion”), and the Court’s **Memorandum Opinion on**
14 **Preliminary Approval of Class Action Settlement** (e.g., p. 11-12 “Further Notice Upon Actions
15 Affecting Specific Works”), are all similarly available on the settlement website’s “**Important**
16 **Documents**” webpage and describe the rights of class members to opt-out.

17 In addition to the settlement website, Class Counsel has undertaken an extensive indirect notice
18 campaign, through social media ads, major membership associations, and publication notice. Dkt. 401 at 16-
19 19. Advertisements placed in Court-approved publications—*Publishers Weekly*, *The Atlantic*, *The Toronto*
20 *Star*, *The Globe and Mail*, and *The Chronicle of Higher Education*—have all included information about the
21 right to opt out from the Settlement.

22 Between the extensive disclosures on the settlement website and the robust indirect notice campaign
23 that drew traffic to the settlement website, Class Counsel is confident that the more than 18,000 Class
24 Members who took the affirmative step of visiting the settlement website and completing the nine-section
25 Claim Form were apprised of the right to opt out. That the Settlement Administrator has already received
26 exclusion requests—11 to date—is further confirmation. In any event, all Class Members who have already
27 submitted claims will receive direct mail and email notice detailing the opt-out right, and will still have the
28 opportunity to submit an exclusion request any time before January 7, 2026.

1 Dated: November 16, 2025

2 By: /s/ Rohit D. Nath

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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 16, 2025

/s/ Rohit D. Nath _____

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