

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA BARTZ and KIRK WALLACE
JOHNSON, individually, and ANDREA
BARTZ, INC., CHARLES GRAEBER, and
MJ + KJ, INC., individually and as
representatives of the class,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

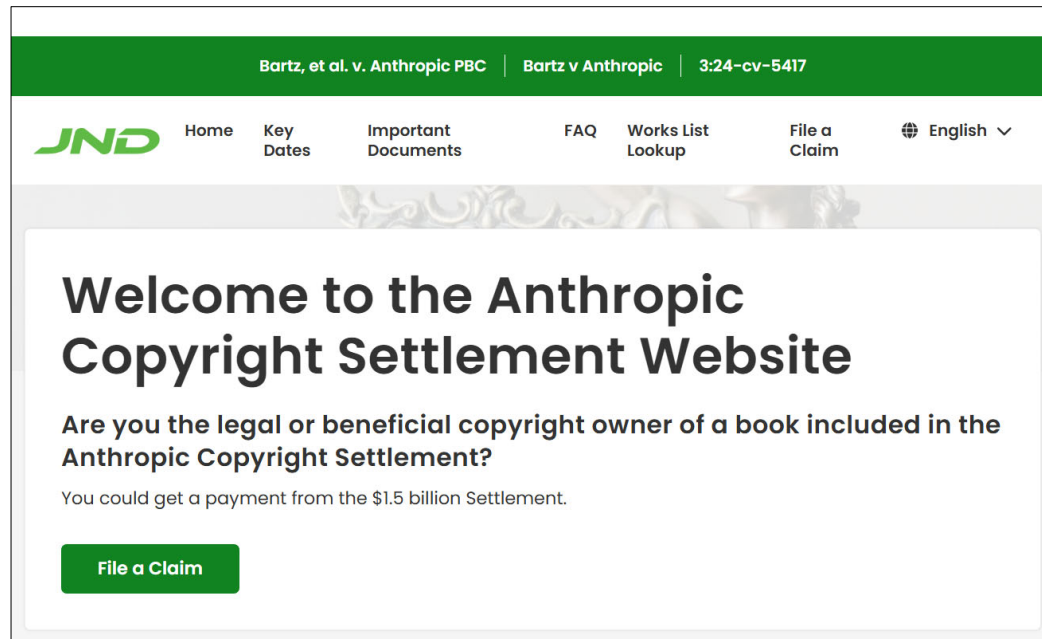
No. C 24-05417 WHA

**THIRD ORDER ON
STATUS REPORT RE
CLASS NOTICE**

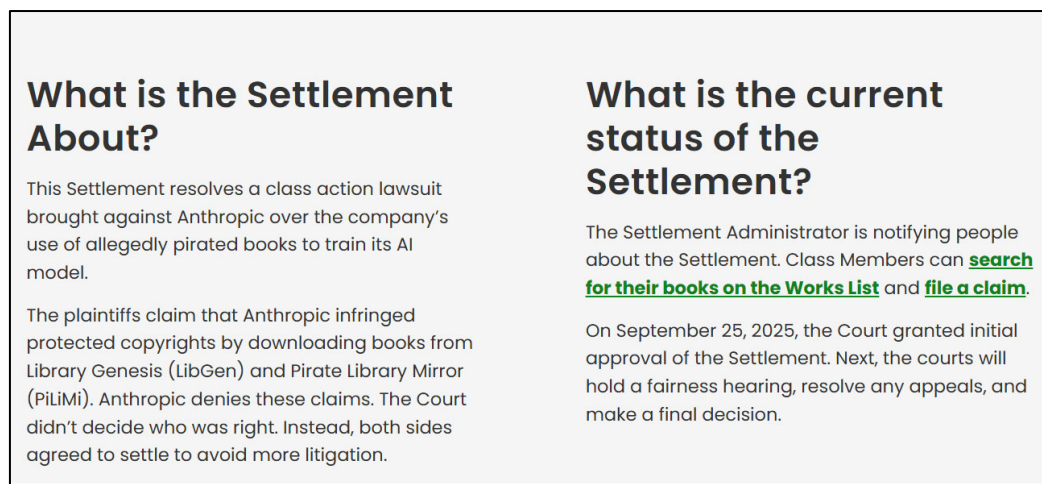
After reviewing the proposed short-form notice, the proposed email notice, and the as-implemented website, the district judge has several concerns. But the most important among them is that the entire process engineered by class counsel is steered toward submitting claims and steered away from opting out.

1. WEBSITE.

When class members arrive at the settlement website,
<http://www.AnthropicCopyrightSettlement.com>, they are faced with a prominent button to
“File a Claim”:



By contrast, there is no button to opt out. Nor is there a way to opt out electronically anywhere on the website. (This is contrary to the proposed email notice, as set out below, and to the plan of notice.) Nor would anything about this first impression lead a class member to imagine there might be any option besides filing a claim. In the menu outlining what they can find and do, class members are alerted to a “Works List Lookup” and a way to “File a Claim,” but not to other options, like opt out. And, scrolling down one screen from the screen above, class members are shown this:



Reprinted below in ordinary font is the right side, which addresses “current status” and “[n]ext” steps:

What is the current status of the Settlement?

The Settlement Administrator is notifying people about the Settlement. Class Members can search for their books on the Works List and file a claim.

On September 25, 2025, the Court granted initial approval of the Settlement. Next, the courts will hold a fairness hearing, resolve any appeals, and make a final decision.

This summary misleadingly suggests the settlement will go from start to finish with no opt outs.

Moreover, the claim form can be reached from places other than from the homepage. A direct link can be shared from anywhere else that can drop a class member directly into the claim form. Reached this way or otherwise, the claim form presents class members with the following:

The screenshot shows a web form titled "File a Claim" for the case "Bartz, et al. v. Anthropic PBC | Bartz v Anthropic | 3:24-cv-5417". The form is part of a website with a green header and navigation links: Home, Key Dates, Important Documents, FAQ, Works List Lookup, File a Claim, and English. The main content area has a green "JND" logo. The form instructions state: "To file a claim, please enter the Unique ID provided in the Settlement Notice." and "You can also click 'I don't have a Unique ID' to file a claim without a Unique ID." There is a text input field labeled "Unique ID" with the placeholder "Enter Unique ID". Below the input field are two green buttons: "Next" and "I don't have a Unique ID".

This is not a faithful reproduction of the claim form as presented to the Court (Dkt. No. 405), which also was never approved as a script for or form of direct notice because among other things it never informed anyone of the right to opt out. Class members instructed with this form and directed to complete it and who then complete it on the website might never realize they could opt out. Indeed, this is probable.

As for the "FAQ" page — supposing a class member should click on it — it is not a faithful reproduction of the class notice, either. The critical information at the top of the class

1 notice has been excised and put somewhere else. Not even the FAQs are correct. As just one
2 example, more than a month ago the Court ordered that “counsel shall ensure no notice
3 discourages class members from contacting the ‘court regarding this action,’” then specifically
4 pointed to an offending FAQ on the long-form notice in need of changing (Dkt. No. 437 at 10).
5 Today, this is from the same FAQ as reproduced on the website: “PLEASE DO NOT
6 CONTACT THE COURT OR THE CLERK OF THE COURT REGARDING THIS
7 ACTION.”

8 **IMMEDIATELY**, class counsel shall disable the claim form and remove all text and
9 functionality from the website except for a faithful reproduction of the approved bucksip with
10 approved long-form class notice, and/or the list of and links to the key documents in the case.
11 Before restoring anything to the website, the **FOLLOWING SHALL BE IMPLEMENTED**:

12 i. The options to file a claim and to opt out must be equal in dignity. The following are
13 specifically ordered requirements and also examples of the principle to heed: If there is a
14 button to file a claim, there must be a nearby button to opt out. If there is an electronic form to
15 file a claim, there must be an electronic form to opt out (which was promised but not
16 delivered). If there is an electronic form to file a claim that comes prepopulated and perfectly
17 crafted to be easy and compliant with all requirements, then there must be an electronic form to
18 opt out that comes prepopulated and perfectly crafted to be easy and compliant with all
19 requirements.

20 ii. *All* four options — file a claim, opt out, object, do nothing — as well as their
21 implications for class members’ rights must be presented before any button (or link) is
22 presented to take anyone to any of these options. Before presenting buttons (or links), they
23 must be advised that there is a complete, Court-approved notice about the preliminarily
24 approved settlement that the Court advises class members to read before deciding how to act.

25 iii. Related to the last point, the electronic claim form and the electronic opt out form
26 must have on any such form’s first page the statement that class members should first read the
27 district court’s class notice discussing the settlement and class members’ four options under it
28 with a link (or button) thereto to learn more.

iv. To further encourage an informed choice, from whatever direction a class member comes, no option to “File a Claim” or to “Opt Out” or so on shall be present in the top-level menu on the website, and there *must* be a clear call visible in the website’s top-level menu to the existence of all options in one place, such as “Learn About Your Four Options and Due Dates.” Better that a class member be introduced to all options rather than click the option they think they will like the most and thus become disposed against later retracting steps and rethinking positions.

BY 7:30 A.M. ON NOVEMBER 25, 2025, all above-ordered changes shall be completed so that the settlement website and all forms are live in full compliance with this order.

2. EMAIL NOTICE.

The proposed direct email notice suffers defects already obvious from the discussion above. Among them, it invites class members to “USE THIS NUMBER TO FILE A CLAIM” even before greeting “Dear [Class Member].” This is upside down. Class members should be introduced to the case, told they have options, and told something about all four options *before* being invited to file a claim, class counsel’s preferred option.

Next, there is a button to “SUBMIT YOUR CLAIM” that links directly to the electronic claim form, the one described above. After clicking this button it will go to the claim form as partially prepopulated for that class member. There is no button to opt out on the email notice. And, as set out above, there is no electronic opt out at all on the settlement website, contrary to the promise that the notice plan and the proposed email itself make.

Specifically, further down in the email and towards the end of a paragraph, the proposed email tells a class member that they can submit “an opt-out request to the Notice Administrator via mail, email, or electronically at [www. AnthropicCopyrightSettlement.com](http://www.AnthropicCopyrightSettlement.com)” (all as printed). For starters, this link will not work because there is a space between “www.” and “AnthropicCopyrightSettlement.com” such that the link is not underlined, blue, or clickable as a hyperlink (unlike other links presented in the proposed email). Worse, if a class member does type “AnthropicCopyrightSettlement.com” into their web browser in search of the means to opt out “electronically” (not by “mail” or “email”), they will be disappointed. They will be

taken to the general homepage, not to an online opt-out form. And again, there is no way to opt out electronically anywhere on the website.

There are more nuanced problems with the email notice that were avoidable. Titles and paragraphs familiar from the long-form notice nonetheless have been subtly tweaked from what was on the long-form notice so as to steer recipients to submit claims. These are not the same “improved standards” that already exist on the long-form notice (*see* Dkt. No. 437 at 10).

The email notice (Dkt. No. 455, Exh. C) is **NOT APPROVED**. The following changes are

APPROVED AND ORDERED:

- ☐ *Replace* <Records show that you may be entitled to money from a \$1.5 billion class action settlement>,

with <Notice of \$1.5 Billion Proposed Class Action Settlement Between Authors & Publishers and Anthropic PBC>, *which is the version from the long-form notice*;

- ☐ *Remove* <Learn more and file a claim at: www.AnthropicCopyrightSettlement.com>;

- ☐ *Remove* <USE THIS NUMBER TO FILE A CLAIM>;

- ☐ *Replace* <A Settlement has been reached in a class action lawsuit claiming that Anthropic infringed protected copyrights by downloading books in two allegedly pirated online datasets called Library Genesis (LibGen) and Pirate Library Mirror (PiLiMi). Class Members who submit a valid Claim Form are eligible to receive a cash payment from a Settlement Fund totaling \$1,500,000,000. The current Settlement provides for **approximately \$3,000 per work**, prior to the deduction of any costs, fees, and expenses as described below.>,

with <A Settlement has been reached in a class action lawsuit claiming that Anthropic infringed protected copyrights by downloading works in two allegedly pirated online datasets called Library Genesis (LibGen) and Pirate Library Mirror (PiLiMi). The current Settlement provides for **approximately \$3,000 per work**, prior to the deduction of any costs, fees, and expenses as described below.>, *which is the version from the long-form notice*;

- ☐ *Replace* <The Court issued this Notice because Class Members have a right to know about the Settlement and about their legal rights and options before the Court decides the outcome.>,

with <Please read this Court-approved notice carefully regarding the Settlement and your options. Your legal rights may be affected whether you act or not.>;

- ☐ *Replace <of publication>, with <of first publication>, as before (see Dkt. No. 490 at 6);*
- ☐ *Remove the entire section titled <How do I benefit?>;*
- ☐ *Remove every link or button from the numbered options in the section presenting the numbered options (submit a claim, exclude yourself, object, and do nothing);*
- ☐ *Ensure each numbered option's text conforms to the most improved versions (such as, for instance, specifically using "Exclude Yourself (or Opt Out)" and adding that as to objectors "You will still be bound by the Settlement if it is approved.");*
- ☐ *Only after all four numbered options have been presented shall any links or buttons to "File a Claim" and to "Opt Out" then be presented, and only if both are presented with equal dignity and with essentially equal treatment upon being clicked, in conformance with what is set out above;*
- ☐ *Insert before "The Court has appointed the law firms" <The Court has appointed the named plaintiffs Andrea Bartz, Inc., Charles Graeber, and MJ + KJ Inc. as Class Representatives.>;*
- ☐ *Unify mixed terms of "Class Counsel" and "Plaintiffs' Counsel" and use "Settlement Administrator," as set out before (ibid.);*
- ☐ *After "This Notice is only a summary," insert <A detailed notice that includes more Court-approved information is available at:>, then insert a direct link to wherever class counsel faithfully reproduces the long-form notice on the website;*
- ☐ *Include at least the names, titles, and law firms of Attorney Rachel Geman and Attorney Justin A. Nelson, plus one means of contacting each.*
- ☐ *Replace the subject <Anthropic Copyright Class Action>, with <Court Notice: Anthropic Copyright Class Action>.*

EMAIL NOTICE SHALL BE SENT ONLY AFTER (1) the above changes are made, (2) the ordered long-form notice (Dkt. No. 490) is on the settlement website, and (3) the full website is in full compliance with this order. Email notice shall be sent **NO LATER THAN** the mail notice.

1 **3. SHORT-FORM AND ANY OTHER DIRECT NOTICE.**

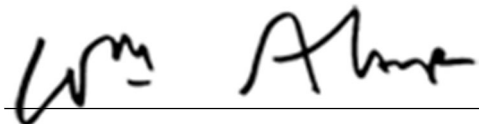
2 There is no need to try to convey the same information so many different ways and in so
3 many different places. The multiplication of so many subtly different forms will be an
4 occasion for mistakes and confusion. Thus, the not-quite-identical short-form notice is **NOT**
5 **APPROVED**. There is no need for it.

6 **THERE SHALL BE NO OTHER DIRECT NOTICE** made by class counsel nor anyone else at
7 class counsel's direction (nor by defendant nor anyone at its direction) except the approved
8 long-form notice and buckslip (mailed together) and the approved short-form notice (emailed),
9 which also are the notices to be sent when one claimant makes a claim or opt out and others
10 named therein are to be informed of the claim or opt out concerning them.

11 Also, to the extent class counsel, any advertisement, or anyone at class counsel's
12 direction (or defendant or at defendant's direction) shares a weblink (or button), such as via
13 posts or ads on social media, these shall be only to the homepage as redesigned in conformance
14 with the standards set out above (the approved email notice being the one exception where
15 deep links may be used after the essential information is introduced in the approved way).

16 **IT IS SO ORDERED.**

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18 Dated: November 20, 2025.

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21 _____
22 WILLIAM ALSUP
23 UNITED STATES DISTRICT JUDGE
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