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[Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, *et al.*,
Individual and Representative Plaintiffs,
v.
META PLATFORMS, INC., a Delaware
corporation;
Defendant.

Case No. 3:23-cv-03417-VC

**JOINT CASE MANAGEMENT
STATEMENT**

1 Pursuant to Civ. L.R. 16-9(a) and Dkt. No. 711, Plaintiffs Richard Kadrey, Sarah Silverman,
2 Eleven Eleven O' Clock Corporation, Christopher Golden, Daring Greatly Corporation, Ta-Nehisi
3 Coates, BCP Literary, Inc., Junot Díaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam,
4 Laura Lippman, Rachel Louise Snyder, Jacqueline Woodson, Lysa TerKeurst, and Christopher
5 Farnsworth (collectively, "Plaintiffs"); and Defendant Meta Platforms, Inc. ("Meta") (together, the
6 "Parties"), by and through their respective counsel, hereby submit this Joint Case Management
7 Statement in advance of the Case Management Conference scheduled in this Court for July 1, 2026.

8 **A. Jurisdiction**

9 This Court has subject matter jurisdiction over Plaintiffs' claims under 28 U.S.C. § 1331.
10 Meta does not challenge personal jurisdiction. No parties remain to be served.

11 **B. Facts and Legal Issues**

12 **1. Facts**

13 The Court is familiar with the general facts of this case. Following the Court's summary
14 judgment orders (Dkt. 598, 601) and order granting Plaintiffs leave to file a fourth amended
15 consolidated complaint (Dkt. 700), the parties have focused on Plaintiffs' claims that Meta
16 reproduced, made available, and distributed the Asserted Works without permission, and that such
17 activities constitute direct and contributory copyright infringement. Meta denies Plaintiffs'
18 allegations.

19 **2. Legal Issues**

20 On March 25, 2026, the Court issued an order granting Plaintiffs' Motion for Leave to File
21 a Fourth Amended Consolidated Complaint. Dkt. 700. Plaintiffs filed their Fourth Amended
22 Consolidated Complaint on April 1, 2026 (Dkt. 702), and Meta filed its Answer on April 15, 2026
23 (Dkt. 714).

24 **Plaintiffs' Statement**

25 *a. Remaining Claims*

26 Meta directly infringed the Asserted Works by (1) making them available to others without
27 permission via peer-to-peer file sharing on known pirate websites, (2) reproducing their content in
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1 the course of distributing it to other file sharers, and (3) distributing that content to those third
2 parties. *See Entrepreneur Media, LLC v. Meta Platforms, Inc.*, Case No. 25-cv-09579-VC, Dkt. 55
3 (Mar. 30, 2026) (“Torrenting is simply a further variant on the peer-to-peer theme.”) (cleaned up);
4 *In re DMCA § 512(h) Subpoena to Twitter, Inc.*, 608 F. Supp. 3d 868, 879 (N.D. Cal. 2022)
5 (Chhabria, J.) (“it is obvious . . . that downloading and distributing copyrighted music via peer-to-
6 peer systems does not constitute fair use”). Meta also contributorily infringed the Asserted Works
7 by materially contributing to and inducing its file-sharing peers to download the works, including
8 by providing the means of those users’ infringement, and without taking measures to prevent that
9 infringement. Further, Meta contributed material resources to online piracy markets LibGen and
10 Anna’s Archive in part by subsidizing their data transfer costs. The related, remaining issues in the
11 case are:

- 12 1. Whether Meta infringed the Asserted Works under 17 U.S.C. § 106, by (1) making them
13 available to others without permission via peer-to-peer file sharing on known pirate
14 websites, (2) reproducing their content in the course of distributing that content to other
15 file sharers, (3) distributing that content to those third parties, and (4) contributing to (a)
16 the direct infringement by those third parties, and (b) the infringement by pirate
17 websites;
- 18 2. Whether Meta’s conduct was knowing or willful, 17 U.S.C. § 106;
- 19 3. Whether any or all of Meta’s conduct constitutes fair use under 17 U.S.C. § 107;
- 20 4. Whether Plaintiffs may certify a class and/or subclass(es) under Federal Rule of Civil
21 Procedure 23.

22 **Meta’s Statement**

23 *a. Remaining Claims*

24 Following the Court’s summary judgment orders (Dkt. 598, 601), and after the grant of
25 Plaintiffs’ Motion for Leave to File a Fourth Amended Complaint, the remaining legal issues
26 presented in this case arise out of Meta’s torrenting of Plaintiffs’ copyrighted written works without
27 their authorization, which Plaintiffs allege resulted in those works being uploaded, distributed,
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1 and/or made available to third parties. The key remaining legal issues are:

- 2 1. Whether Meta directly infringed Plaintiffs’ copyrighted written works;
- 3 2. Whether Meta’s alleged conduct was willful;
- 4 3. Whether Meta is liable for contributory infringement based on the alleged direct
- 5 infringement of Plaintiffs’ copyrighted written works by one or more third parties;
- 6 4. Whether Meta’s liability for any alleged infringement is eliminated or reduced by
- 7 applicable affirmative defenses, including fair use under 17 U.S.C. § 107; and
- 8 5. Whether a class may properly be certified under Rule 23 of the Federal Rules of
- 9 Civil Procedure.

10 **C. Anticipated Motions**

11 Motion for Certification of Interlocutory Appeal: On June 8, 2026, Plaintiffs filed a motion
12 to certify for interlocutory appeal under 28 U.S.C. § 1292(b) the following question (Dkt. 739):

13 *Under 17 U.S.C. § 107 and Andy Warhol Foundation for the Visual Arts, Inc. v.*
14 *Goldsmith, 598 U.S. 508, 533 (2023), where a company downloads copyrighted*
15 *works through an illicit Internet repository of pirated works (known as a “shadow*
16 *library”), does that reproduction constitute a fair use based on the company’s*
ultimate use of the works in connection with training of artificial intelligence?

17 Meta filed its opposition on June 22 (Dkt. 748), and Plaintiffs’ reply is due Monday, June 29. A
18 hearing on the Motion is currently scheduled for July 16, assuming the Motion is not decided on
19 the papers and the hearing vacated.

20 *Administrative Motions for Additional Discovery.*

21 **Plaintiffs’ Statement**

22 During the May 22, 2026 Case Management Conference, the Court directed that to the
23 extent the parties seek additional discovery they believe is reasonably necessary based on new
24 disclosures, new defenses, and/or recently produced documents, they must do so via administrative
25 motion practice. *See* May 22, 2026 CMC Tr. at 32:11-14. The Parties have continued to meet and
26 confer regarding such additional discovery. Plaintiffs anticipate filing an administrative motion
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1 before the July 1 CMC seeking limited additional custodial searches and leave to issue one
2 deposition notice and two subpoenas of new custodians.

3 Additionally, Plaintiffs have provided Meta with written discovery requests, additional
4 30(b)(6) topics, and subpoenas Plaintiffs seek to serve to complete the record on their uploading-
5 related claims and Meta's torrenting, including Meta's fair use defense to its torrenting. If Meta
6 objects, in part or in full, to this discovery, Plaintiffs will seek leave to serve it via administrative
7 motion practice. Plaintiffs also have agreed with the plaintiffs in the individual related actions on a
8 discovery coordination proposal that includes cross-noticing depositions in those cases, which the
9 plaintiffs will ask the Court to enter at the July 1 CMC. If the Court declines to enter this discovery
10 coordination proposal, then Plaintiffs will seek additional depositions of other witnesses based on
11 Meta's productions since the close of fact discovery via an administrative motion.

12 Finally, Meta correctly states below that it understands that Plaintiffs do not oppose Meta
13 seeking leave to serve additional discovery. To be clear, however, Plaintiffs submit that both parties
14 should be permitted to serve additional discovery based on the remaining claims and defenses in
15 this case so that the Parties can complete the record on those issues. Plaintiffs sent Meta the
16 additional limited discovery they seek and await Meta's position on whether and to what extent
17 Meta will object to that discovery. Meta, however, has not provided to, or sought to meet and confer
18 with, Plaintiffs regarding any additional discovery that Meta may seek leave to serve on Plaintiffs.

19 **Meta's Statement**

20 Meta continues to meet and confer with Plaintiffs regarding whether Meta will stipulate to
21 certain of Plaintiffs' additional discovery requests prior to the filing of Plaintiffs' administrative
22 motion.

23 With respect to the Kadrey Plaintiffs' "stipulation" with the Entrepreneur, Chicken Soup,
24 Cambronne, and Cognella Plaintiffs in the individual related actions, Meta does not agree to the
25 terms of this proposal, as addressed below with respect to Discovery.

26 Meta expects to file an administrative motion seeking leave to serve discovery directed to the new
27 claims, parties and allegations set forth in the Fourth Amended Complaint, which Meta understands
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1 Plaintiffs do not oppose. Plaintiffs agreed to Meta serving additional discovery during a meet and
2 confer regarding these issues and did not request copies of the discovery before agreeing; thus Meta
3 did not provide any copies. Plaintiffs provided their proposed discovery to Meta because Meta
4 stated that it would need to review the discovery before being able to provide a position on it.

5 Rule 72 Objections to Nondispositive Orders.

6 **Plaintiffs' Statement**

7 Plaintiffs previously moved for relief from Judge Hixson's order at Dkt. 627 denying
8 Plaintiffs' challenge under the crime-fraud exception to a redacted document concerning the
9 approvals for Meta's torrenting and use of copyrighted works from Anna's Archive. *See* Dkt. 630.
10 The Court ordered the Parties to confer and submit a stipulation for briefing the motion after further
11 discovery was completed. *See* Dkt. 634. The Parties have not yet done so, as discovery into Meta's
12 torrenting from Anna's Archive continues. Additionally, Plaintiffs' current deadline to object to
13 Judge Hixson's order at Dkt. 743 is June 26, 2026, but Plaintiffs have sought Meta's stipulation to
14 extend the time to object to that order and to consolidate any objection to it and to Dkt. 627 into a
15 single objection, if any. Meta is considering Plaintiffs' request.

16 **Meta's Statement**

17 Meta disagrees with Plaintiffs' characterization of the underlying documents at issue.
18 Otherwise, Meta agrees that the parties have stipulated that additional briefing on Plaintiffs' Rule
19 72 objections set forth in its Motion for Relief (Dkt. No. 630) should be held in abeyance pending
20 an update from the Parties. (Dkt. No. 660 at 2.) With respect to Judge Hixson's order of June 12,
21 2026 rejecting Plaintiffs' latest crime-fraud challenges (Dkt. 743), Meta has offered to stipulate to
22 a 30-day extension for Plaintiffs to file a Rule 72 motion regarding that order.

23 Motions for Summary Judgment. The Parties anticipate that the Parties will move for
24 summary judgment in accordance with the summary judgment briefing deadlines set by the Court's
25 order of March 26, 2026.

26 **D. Amendments to Pleadings**

1 The Fourth Amended Consolidated Complaint is the current operative Complaint. *See* Dkt.
2 No. 702.

3 **E. Evidence Preservation**

4 The Parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored
5 Information and have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and
6 proportionate steps taken to preserve evidence relevant to the issues reasonably evident in the
7 action.

8 **Plaintiffs' Statement**

9 Plaintiffs believe evidence preservation issues exist that are relevant to Meta's torrenting
10 activity. Plaintiffs incorporate by reference the detailed discussion of evidence preservation issues
11 submitted in Plaintiffs' May 15 Case Management Statement (Dkt. 732).

12 **Meta's Statement**

13 Meta does not agree with Plaintiffs' assertions in Dkt. 732. In any event, Meta will be
14 available to address Plaintiffs' assertions in Dkt. 732 at the case management conference should
15 the Court wish to discuss them.

16 **F. Initial Disclosures**

17 The Parties exchanged initial disclosures on December 1, 2023, pursuant to Rule
18 26(a)(1)(A), and most recently supplemented their initial disclosures on June 5, 2026.

19 **G. Discovery**

20 **1. Fact Discovery**

21 Procedural History. Fact discovery ended on December 13, 2024. After the Court granted
22 Plaintiffs' motion for leave to amend the complaint in January 2025, the Court denied Plaintiffs'
23 request for a limited re-opening of discovery and granted Meta's request for discovery that Meta
24 sought as a result of Plaintiffs' amendments. Dkt. 389. In February 2025, Meta disclosed and
25 produced documents that had been sequestered during the discovery period, and the Court ordered
26 the Parties to submit competing "baseball arbitration" discovery proposals to address that
27 sequestration. Dkt. 461. The Court adopted Plaintiffs' proposal, which sought limited torrenting
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1 discovery, and the parties proceeded with summary judgment briefing. In June 2025, the Court
2 granted summary judgment to Meta in part but held that “the record on Meta’s alleged distribution
3 is incomplete, making summary judgment on that issue improper at this point in the case.” Dkt.
4 598 at 15 n.4. The Court subsequently ordered the parties to “present joint discovery letter briefing
5 to Judge Hixson on outstanding discovery disputes,” Dkt. 614 at 2, and, on September 2, 2025, the
6 Court set new expert and summary judgment deadlines, with summary judgment to be heard in
7 February 2026, Dkt. 623. Those deadlines were extended in September 2025, Dkt. 626, and then
8 again in November 2025, Dkt. 641, and December 2025, Dkt. 660. Also, in October 2025, Plaintiffs
9 filed an administrative motion for certain specified discovery into Meta’s torrenting, which the
10 Court granted. Dkts. 635, 647. Meta has since agreed to provide further discovery, and the Parties
11 have continued to meet and confer regularly over the past several months regarding other discovery
12 issues.

13 On March 25, 2026, the Court granted Plaintiffs leave to file a Fourth Amended
14 Consolidated Complaint and also granted Meta’s request to align the expert discovery and summary
15 judgment briefing deadlines in this case with those in *Entrepreneur Media*. Dkt. 700 at 6. At the
16 May 22 CMC, this Court ordered that all discovery across the four “individual” actions
17 (*Entrepreneur Media*, *Chicken Soup*, *Cognella*, and *Cambronne*) will be shared with Plaintiffs.
18 May 22, 2026 CMC Tr. at 41:12-18. The Court also ordered that the Parties must continue to seek
19 the Court’s approval via administrative motion practice for any further discovery on the remaining
20 claims. *Id.* at 32:11-14.

21 **Plaintiffs’ Statement**

22 *Additional Discovery Requests*. On June 16, Plaintiffs sent Meta written discovery requests,
23 additional 30(b)(6) topics, and third-party subpoenas for which Plaintiffs intend to seek leave to
24 serve. Meta has advised Plaintiffs it is evaluating whether and to what extent it will object to any
25 of the requests.

26 *Discovery Sharing and Coordination*:

27 Meta has advised Plaintiffs that it does not object to Plaintiffs deposing former Meta
28

1 employee Stephen Roller, who Meta disclosed in November 2025 had torrented copyrighted works
2 from LibGen. Plaintiffs therefore intend to ask the Court to grant leave to subpoena Mr. Roller at
3 the July 1 CMC.

4 Plaintiffs also ask the Court to enter at the July 1 CMC a discovery sharing and coordination
5 proposal submitted on behalf of all plaintiffs in the related actions, which Plaintiffs attach here as
6 Exhibit A. Meta stated on June 24 that it “does not stipulate to the entry of your [all plaintiffs’]
7 proposed order.”

8 The *Kadrey* and *Entrepreneur* plaintiffs first jointly sent Meta a proposed tripartite
9 deposition stipulation on April 24, 2026. Meta did not respond for nearly two months, and its
10 proposal is inefficient and inadequate to enable this case and the related actions to complete
11 discovery under the current deadlines. For example, Meta’s proposal would require a stipulation or
12 court order (i.e., administrative motion practice) for Plaintiffs to cross-notice any and all
13 depositions sought in any of the related cases, including of third parties, regardless of whether those
14 witnesses are relevant to the overlapping claims in the related cases and whether the plaintiffs in
15 the related cases agree to Plaintiffs’ participation and share their allotted time with Plaintiffs. In
16 addition, Meta’s proposal provides for a 14-day cross-production of Meta’s documents, which
17 would prejudice the plaintiffs’ ability to coordinate discovery in the remaining two months of fact
18 discovery. Meta’s proposal is also improper to the extent it seeks to use witnesses’ deposition
19 testimony against Plaintiffs on summary judgment without allowing Plaintiffs a chance to question
20 those witnesses. Because Meta’s proposal does not allow Plaintiffs’ participation at depositions,
21 that deposition testimony would have to be treated as an affidavit under Rule 56(c)(4), rather than
22 a testimony under Rule 56(c)(1), for purposes of summary judgment. *See Gulf USA Corp. v. Fed.*
23 *Ins. Co.*, 259 F.3d 1049, 1056 (9th Cir. 2001). And if previously deposed witnesses contradict prior
24 testimony, or remember facts they previously could not, their depositions would be inadmissible
25 under the “sham affidavit rule.” *See Yeager v. Bowlin*, 693 F.3d 1076, 1080 (9th Cir. 2012). If
26 Plaintiffs are denied participation in depositions of witnesses with relevant information to their
27 remaining (and overlapping) claims that are noticed or subpoenaed by plaintiffs in the related
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1 actions, then Plaintiffs respectfully submit the Court should not permit Meta to use that discovery
2 against Plaintiffs.

3 Meta argues below that the plaintiffs’ proposal could subject Meta witnesses “to deposition
4 over the course of multiple days,” and that not counting cross-noticing of depositions against the
5 presumptive limit would “effectively multiply[] the number of depositions each Plaintiff may
6 seek.” Not so. These cases are not consolidated, so each plaintiff can already notice the same Meta
7 witness for 7 hours under the default limits in Rule 30. Plaintiffs’ proposal actually reduces that to
8 7 hours across the cases, or 9 hours if also cross-noticed. Further, Plaintiffs’ cross-noticing proposal
9 does not multiply the number of depositions each plaintiff may seek because a cross-noticing
10 plaintiff can only participate in the deposition to the extent the original noticing (or subpoenaing)
11 plaintiff allows its participation. This system fosters coordination amongst the plaintiffs and
12 incentivizes the parties to be efficient in taking depositions of Meta witnesses and third parties.

13 Meta also argues that it could “be required [under the plaintiffs’ proposal] to provide 28
14 hours of 30(b)(6) testimony on the record.” But each plaintiff in the related cases is already entitled
15 under the default rules to 7 hours of 30(b)(6) testimony, and the Court already granted the *Kadrey*
16 plaintiffs a 7-hour 30(b)(6) deposition in connection with their prior administrative motion. In
17 addition, Meta appears to suggest that plaintiffs in the related cases should not be permitted to depose
18 witnesses that were deposed in this case. But again, these cases are not consolidated, so those
19 plaintiffs are already entitled to depose such witnesses. In waiving one-way intervention in this
20 case, Meta assumed the risk that the Court’s summary judgment order would not be binding on
21 other plaintiffs, and thus that Meta would be subject to suit, and the attendant discovery, in other
22 cases. Meta cannot fairly deny other plaintiffs discovery simply because witnesses were already
23 deposed in a different, non-consolidated case. And, notably, Meta omits that most of the depositions
24 in this case were taken before Plaintiffs learned about Meta’s torrenting and use of pirate websites,
25 and the deponents’ involvement in those issues. Further, Meta states that the plaintiffs’ proposal
26 would “permit[] the *Kadrey* Plaintiffs to take additional depositions.” To be clear, Plaintiffs’
27 proposal does **not** permit the *Kadrey* plaintiffs to notice depositions or subpoena witnesses without
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1 leave of Court; it only allows them to cross-notice depositions and participate to the extent that the
2 noticing plaintiffs in the related cases are willing to share some of *their* deposition time with the
3 *Kadrey* plaintiffs. Finally, Meta’s attempt to limit discovery in the related cases based on the
4 “voluminous discovery record that already exists” as a result of *this* case is ironic given that the
5 Court granted of summary judgment to Meta on Plaintiffs’ downloading and training infringement
6 claims because the Court concluded that the record on market dilution was *not* adequately
7 developed (and the Court also deferred Plaintiffs’ uploading claims for further development of the
8 record).

9 *Other Discovery.* The Parties continue to meet and confer regularly on other outstanding
10 discovery issues, *see, e.g.*, Dkt. 732-01, including Plaintiffs’ request that Meta run a set of court-
11 ordered search terms, *see* Dkt. 635, 654-4, as supplemented by the parties,¹ against the other
12 custodians in this case because those search terms have led to the production of highly relevant
13 documents.² Meta has informed Plaintiffs that Entrepreneur Media has made the same request, and
14 Meta has not yet indicated whether it will agree to run those search terms on its original custodians.
15 If Meta does not respond by the July 1 CMC or rejects the request, Plaintiffs plan to ask that the
16 Court order Meta to run these search terms, subject to any limitations agreed-upon by the parties to
17 address any issues of burden and/or overbreadth as to specific terms, against the other custodians
18 in this case.

19 _____
20 ¹ The Court granted Plaintiffs’ request in their previous administrative motion to run specified
21 search terms against one custodian. Meta subsequently agreed to requests to supplement the
22 court-ordered terms with additional search terms and to run them for some additional witnesses,
but to date Meta has declined to run the same search terms against the other custodians in this
case.

23 ² For example, the court-ordered search terms revealed for the first time that a former Meta
24 employee, Jelmer Van Der Linde, was tasked with torrenting Anna’s Archive in early 2024 and
25 refused to do, complaining to his manager that the assignment “will mean seeding while download
26 is in progress” and that “re-uploading [copyrighted material]” is “not very legal.” Dkt. 695-2.
27 *Meta_Kadrey_00255016*. Another document produced based on these search terms involves
28 Stephen Roller (who Meta disclosed torrented at least 40 TB from LibGen after the Court granted
Plaintiffs’ previous administrative motion) telling a colleague “we’re already reaching into big
troves of pirated books on bittorrent.” *Meta_Kadrey_00254952*. Mr. Roller previously testified, “I
don’t recall downloading Libgen during my time at Meta.” Roller Dep. Tr. at 248:6-8; 257:6-7. The
court-ordered search terms also led to Meta’s disclosure that, the original complaint was filed, Meta
deleted file paths that apparently contained files another Meta witness torrented from LibGen.

1 **Meta's Statement**

2 **Additional Discovery Requests**³

3 Meta is continuing to work with Plaintiffs and will provide them with a response on whether
4 it will stipulate to Plaintiffs' service of its discovery requests this week, and in advance of the July
5 1 CMC. To the extent Meta agrees to stipulate to such service, such agreement would not be
6 intended to waive any of Meta's rights to serve objections based on relevance, burden, or other
7 grounds.

8 With respect to Mr. Roller, Meta reserves objections as to scope and length of any such
9 deposition, and such deposition would need to be coordinated with the related case individual
10 plaintiffs to the extent they wish to also take Mr. Roller's deposition.

11 **Discovery Sharing Proposal**

12 To promote judicial economy and reduce the burden on the parties, Meta believes that the
13 related cases (*Cognella*, *Chicken Soup*, *Cambronne*, *Entrepreneur*, and *Kadrey*) should move
14 forward in a coordinated manner, subject to reasonable limitations given the voluminous discovery
15 record already developed and shared. To that end, we have prepared a straightforward coordination
16 proposal attached hereto as Exhibit B.

17 Meta's proposal aims to lessen the burden amongst the parties and promote judicial
18 economy across the cases. Meta's proposal provides for cross-production of all discovery taken
19 from Meta and Meta's former employees in each of the related cases, including Meta's written
20 discovery responses and all documents produced in each of the related cases (with the exception of
21 Plaintiff-specific material). Meta's proposal provides for the coordinated depositions of Meta
22 employees, corporate representatives and third parties in accordance with the default time limits
23 under the Federal Rules, with time allocated equally among the participating plaintiffs (unless they
24 agree to another arrangement). Meta also agrees to meet and confer in good faith with all Plaintiffs
25 should they need additional time allocation adjustments for particular depositions, including any
26 depositions noticed under Rule 30(b)(6).

27 _____
28 ³ Meta is happy to provide additional briefing on this issue if it would be helpful to the Court.

1 As to the *Kadrey* Plaintiffs, Meta agrees they may attend depositions of Meta employees
2 and third-parties scheduled in any of the related cases, but, as this Court acknowledged at the last
3 CMC, discovery is closed in the *Kadrey* case and any additional discovery the *Kadrey* Plaintiffs
4 may need should be sought with leave of the Court. Under Meta’s proposal, the *Kadrey* Plaintiffs
5 may only participate in depositions if there is a stipulation between Meta and the Plaintiffs or if the
6 *Kadrey* Plaintiffs have received prior permission from the Court. Further, Meta’s proposal still
7 permits the *Kadrey* Plaintiffs to participate in the two remaining depositions (Ms. Xiaolan Wang
8 and a 30(b)(6) deposition) that the *Kadrey* Plaintiffs were permitted to pursue under the Court’s
9 order at Dkt. 647.

10 Entrepreneur, Kadrey, Chicken Soup, Cambronne, and Cognella Plaintiffs’ (collectively
11 “Plaintiffs”) discovery sharing protocol is unduly burdensome and disproportionate to the needs of
12 the cases. Plaintiffs seek a default of nine (9) hour 30(b)(1) depositions of Meta witnesses that have
13 been cross-noticed and seven (7) hours for each Plaintiff for cross-noticed 30(b)(6) depositions of
14 Meta witnesses, which could result in Meta witnesses being subjected to deposition over the course
15 of multiple days. For instance, if Entrepreneur, Chicken Soup, Cognella, and Cambronne all issue
16 30(b)(6) notices, Meta would be required to provide 28 hours of 30(b)(6) testimony. Plaintiffs’
17 proposal would permit the Plaintiffs to cross-notice depositions but the cross-notice would not
18 “count against the default deposition limit” under the federal rules, effectively multiplying the
19 number of depositions each Plaintiff may seek. And Plaintiffs request this expansive and
20 burdensome discovery without regard to whether witnesses have already been deposed, and without
21 attempting to make any showing that prior testimony, or limited additional time, would not suffice.
22 Given the voluminous discovery record that already exists, which includes the deposition testimony
23 of 25 Meta witnesses and an additional 20+ hours of 30(b)(6) testimony, and the overlapping issues
24 between the cases, which suggest that the discovery sought in in each case will be virtually
25 identical, Plaintiffs have no basis to depart from the presumptive limits provided by the Federal
26 Rules of Civil Procedure to seek the expansive discovery they propose. Moreover, Plaintiffs’
27 proposal contemplates permitting the *Kadrey* Plaintiffs to take additional depositions by simply
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1 cross noticing depositions noticed by the other Plaintiffs, although fact discovery in *Kadrey* is long-
2 since closed. Plaintiffs provide no justification or reasoning to depart from this Court's prior ruling
3 that the *Kadrey* Plaintiffs must seek leave of the Court to take any additional discovery.

4 Plaintiffs' concerns regarding participation in these depositions under Meta's proposal are
5 unfounded. Meta is not forbidding the *Kadrey* Plaintiffs' participation—rather, Meta is requiring
6 that the *Kadrey* Plaintiffs either obtain Meta's permission or the Court's permission on a deposition
7 by deposition basis, consistent with the Court's previous ruling.

8 The *Kadrey* Plaintiffs' suggestion that their own failure to develop specific facts in the
9 record supports its Discovery Proposal is confusing at best. Plaintiffs' proposal permits the *Kadrey*
10 Plaintiffs the ability to cross notice deponents and participate in depositions regardless of the
11 relevance to their remaining claims and ignores the 25 individual depositions taken by the *Kadrey*
12 Plaintiffs to date and the more than 20 hours of Rule 30(b)(6) depositions, including a specific
13 deposition on torrenting, and the *Kadrey* Plaintiffs' repeated representations that additional
14 discovery was not needed. This is unreasonable.

15 Meta respectfully asks the Court to enter Meta's proposed Discovery Sharing proposal as
16 attached hereto as Exhibit B, rather than Plaintiffs' proposal.

17 *Other Discovery.*

18 Meta continues to work with Plaintiffs regarding its request for expanded search terms, and
19 will provide Plaintiffs with a response on this issue in advance of the July 1 CMC. Meta disputes
20 Plaintiffs' characterizations of the documents produced in response to these search terms, and
21 continues to object to the breadth of certain of these search terms.

22 **2. Expert Discovery**

23 ***Plaintiffs' Statement***

24 Plaintiffs have retained and disclosed an additional expert, Professor Michael D. Smith,
25 Ph.D., to provide testimony related to digital piracy, as it set forth in their motion to amend, Dkt.
26 658 at 2.

1 **Meta's Statement**

2 Meta reserves all rights to designate additional expert(s) as necessary to defend against
3 Plaintiffs' claims and rebut any new theories or reports proffered by Plaintiffs.

4 **H. Class Actions**

5 The Parties have reviewed the Procedural Guidance for Class Action Settlements.

6 **I. Related Cases**

7 The following cases are related to and have been consolidated in this proceeding:

- 8
- 9 • *Chabon et al. v. Meta Platforms, Inc.*, No. 3:23-cv-04663-VC
 - 10 • *Huckabee et al. v. Meta Platforms, Inc. et al.*, No. 3:23-cv-06663-VC
 - 11 • *Farnsworth et al. v. Meta Platforms, Inc.*, No. 3:24-cv-06893-VC

12 The following case has been related, but not consolidated, with this action:

- 13 • *Entrepreneur Media, LLC v. Meta Platforms, Inc.*, No. 3:25-cv-09579-VC
- 14 • *Chicken Soup for the Soul, LLC v. Meta Platforms Inc.*, No. 3:26-cv-02333-VC
- 15 • *Cambronne v. Meta Platforms, Inc.*, No. 5:26-cv-03725-PCP
- 16 • *Cognella, Inc. v. Meta Platforms, Inc.*, No. 3:26-cv-04053-JST

17 As noted previously, a putative class action was filed recently in the U.S. District Court for
18 the Southern District of New York (*Elsevier Inc. et al. v. Meta Platforms, Inc. and Mark*
19 *Zuckerberg*, No. 1:26-cv-03689-PKC (S.D.N.Y.), which asserts claims that overlap with the claims
20 remaining in this case, and with the training-based claims originally asserted in this case for which
21 summary judgment was granted. Meta has filed a letter motion in the *Elsevier* case seeking to
22 transfer to the Northern District of California under the first-to-file rule and 28 U.S.C. § 1404(a),
23 and that court has set a briefing schedule for Meta to file a motion seeking that relief, with Meta's
24 opening brief due on June 26, 2026. The *Elsevier* plaintiffs have stated they will oppose Meta's
25 motion and will file that opposition in short order. On May 22, a second putative class action, *Hobbs*
26 *et al. v. Meta Platforms, Inc. et al.*, No. 1:26-cv-4314 (S.D.N.Y), was filed in the Southern District
27 of New York. Meta has not yet made an appearance in *Hobbs*.

28

1 **J. Relief**

2 **Plaintiffs' Statement**

3 Plaintiffs seek judgment against Meta and in favor of the proposed class, as well as the
4 following relief: (a) the certification of the proposed class, the appointment of Plaintiffs' counsel
5 as class counsel, the designation of class representatives, and a notice program under Rule 23; (b)
6 an order holding that Meta engaged in direct and contributory copyright infringement in violation
7 the Copyright Act, 17 U.S.C. § 106(1) & (3), and that such infringement was willful; (c) an order
8 requiring Meta to pay Plaintiffs' and the Class's statutory damages in an amount up to the maximum
9 provided by law, pursuant to 17 U.S.C. § 504(c), including prejudgment and/or postjudgment
10 interest thereon as permitted by law; (d) an order permanently enjoining Meta from engaging in its
11 alleged infringing conduct; (e) an order requiring that Meta destroy under the Court's supervision
12 all infringing copies of Plaintiffs' and the Class's copyrighted works in its possession, custody or
13 control pursuant to 17 U.S.C. § 503(b); and (f) an order awarding Plaintiffs' and the Class's costs,
14 expenses, and attorneys' fees, as permitted by law.

15 **Meta's Statement**

16 Meta denies that certification of any class is appropriate or that Plaintiffs are entitled to any
17 relief in this action. Meta reserves the right to seek recovery of its costs and attorneys' fees as
18 permitted by law.

19 **K. Settlement and ADR**

20 The Parties have complied with ADR L-R 3.5. Plaintiffs and the Class always remain open
21 to settlement discussions. Meta does not believe settlement discussions would be productive at this
22 time.

23 **L. Other References**

24 This case is not suitable for reference to binding arbitration.

25 **M. Narrowing of Issues**

26 The Parties do not believe narrowing of the issues in dispute is practical or feasible at this
27 time.

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N. Scheduling

The Court ordered that the schedule in this case will be aligned with *Entrepreneur Media*.
Dkt. 700. The current schedule is as follows:

Event	Deadline
Opening Reports Due	September 18, 2026
Rebuttal Reports Due	October 16, 2026
Reply Reports Due	October 30, 2026
Close of Expert Discovery	November 20, 2026
Summary Judgment Brief 1 Due (Plaintiffs Brief)	December 11, 2026
Summary Judgment Brief 2 (Defendant Brief)	January 11, 2027
Summary Judgment Brief 3 (Plaintiffs Brief)	January 29, 2027
Summary Judgment Brief 4 (Defendants Brief)	February 12, 2027
Hearing on Dispositive Motions	February 25, 2027, at 10 a.m.

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O. Trial

Plaintiffs have requested a trial by jury on all claims allowed. The parties believe it is premature to determine the length of trial until the scope of issues to be tried is finalized.

P. Disclosure of Non-Party Interested Entities or Persons

The Parties filed their Certificates of Interested Entities or Persons under Civil Local Rule 3-15.

Q. Professional Conduct

All attorneys of record for the Parties have reviewed the Guidelines for Professional Conduct for the Northern District of California.

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Dated: June 24, 2026

Respectfully submitted,

By: /s/ Phillip Morton

By: /s/ Maxwell V. Pritt

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ECF ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I hereby attest that counsel for Meta concurs in the filing of this document.

/s/ Maxwell Pritt