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Case Nos. 3:26-cv-08505 and 3:26-cv-08507

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 5:24-cv-03811

District Judge Eumi K. Lee

**ROUND HILL MUSIC’S OPPOSITION
TO ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED PURSUANT TO
LOCAL RULES 3-12 AND 7-11**

INTRODUCTION

Round Hill Music LP; Round Hill Music Royalty Fund II, LP; Round Hill Music Royalty Fund III, LP; Round Hill Music Royalty Fund III Plus, LP; GFP Co-Invest, LP; and RH Carlin Holdings LLC (collectively “Round Hill”), are Plaintiffs in two cases filed in this Court on the same day: *Round Hill Music LP, et al. v. Suno, Inc., et al.*, 3:26-cv-08507 and *Round Hill Music LP, et al. v. Anthropic PBC*, 3:26-cv-08505 (together the “*Round Hill Actions*”).

While ignored in Anthropic’s motion, Round Hill marked those two actions related¹ because they were just filed so they will be on the same discovery track, involve the same Plaintiffs, the same Round Hill Works, and involve virtually the same allegations: Defendants violated the United States Copyright Act and the Digital Millenium Copyright Act by, among other things, copying and ingesting copyrighted music from similar or the same sources on the Internet for training their AI models and creating infringing output. *See Round Hill v. Suno* Complaint, 3:26-cv-08507, Dkt. 1; *Round Hill v. Anthropic* Complaint, 3:26-cv-08505, Dkt. 1. As a result, Round Hill filed a motion to relate the *Round Hill Actions* on August 20, 2026, which is pending resolution. *See* 3:26-cv-08505, Dkt. 10.

Anthropic opposed Round Hill’s motion, 3:26-cv-08505, Dkt. 21, and then requested Round Hill’s position on this, then-anticipated, motion to relate *Round Hill v. Anthropic* to the present case and its related cases (collectively the “*Concord/BMG Actions*”). During the meet and confer process, Round Hill advised that it opposed this motion because Anthropic opposed *Round Hill v. Suno* being related to the present case, and because Round Hill believed the *Round Hill Actions* were more appropriately related to each other than to the *Concord/BMG Actions*. *See* Ex. A, E-mails Between Anthropic Counsel Jared Grubow and Round Hill Counsel Richard Busch. For these reasons, and those discussed more fully below, Round Hill respectfully requests that the Court deny Anthropic’s

¹ While Anthropic points out in its Motion, Dkt. 786, Anthropic Mot. To Relate (“Mot.”), at 1:24-2:3, that Round Hill identified the *Concord/BMG Actions* as potentially related actions in its Complaint, and in its civil cover sheet, as it is obligated by Rule to do when it believes an action it is filing might be related to other pending matters, Anthropic conspicuously failed to mention that Round Hill also marked the *Round Hill Actions* related as well. *See Round Hill v. Suno*, 3:26-cv-08507, Dkt. 1-3, at 1, VIII (civil cover sheet).

1 motion.

2 ARGUMENT

3 This Court’s relatedness analysis under Civil Local Rule 3-12(a) focuses on whether the
4 putative related actions: (1) concern substantially the same parties, property, transaction, or event;
5 and (2) whether it appears likely that there will be an unduly burdensome duplication of labor and
6 expense or conflicting results if the cases are conducted before different Judges.

7 Initially, each point Anthropic makes is equally applicable to the relatedness of the *Round Hill*
8 *Actions*, which is aptly demonstrated by substituting ‘Suno’ for ‘Anthropic’ in Anthropic’s own
9 opening argument of its Motion: “Like the *Concord/BMG Actions*, the *Round Hill [v. Suno]* Action
10 is a copyright case alleging that [Suno’s] AI models allegedly use the text of a music publisher’s song
11 lyrics in training data and purportedly reproduce lyrics in outputs. Like the plaintiff publishers in the
12 *Concord/BMG Actions*, the *Round Hill* plaintiffs are also music publishers[and] Round Hill similarly
13 alleges that [Suno] copied lyrics from public sources across the internet, removed copyright-
14 management information (“CMI”) using extraction tools, used lyrics to train [Suno] models, and
15 generated user-requested output that included those lyrics.” Mot. at 1:15-22. *See, e.g., Suno*
16 *Complaint*, 3:26-cv-08507, Dkt. 1, at ¶¶3, 9, 11, 38 (describing similar or identical ‘public sources
17 across the Internet’ Suno copied from); ¶4 (identical removal of CMI allegations as *Anthropic*
18 *Complaint* at ¶3); ¶¶5, 9, 65 (‘using lyrics to train’ Suno models); ¶43 (exemplar of Suno generating
19 lyrics, i.e. ‘user-requested output that included’ copied lyrics, from ‘I Got You (I Feel Good)’ by
20 James Brown, the same as *Anthropic Complaint* at ¶58 regarding generated lyrics copied from the
21 exact same song). Anthropic parrots these exact same arguments again later in its brief in support of
22 *Round Hill v. Anthropic*’s relatedness to this case. *Compare* Mot. at 3:2-5 with Opp. 3:15-21, *supra*,
23 *and Suno Complaint*, at ¶¶3, 9, 11, 38 ((i) collected lyrics from same sources from public internet);
24 ¶4 & ¶85 ((ii) alleging Suno also “intentionally removed or altered CMI”, identical to ¶87 of the
25 *Anthropic Complaint*); ¶¶43, 86 ((iii) caused Suno to also generate outputs that included lyrics to
26 same song as in *Round Hill v. Anthropic*).

27 **Element I:** Anthropic ignores that this Court already rejected its almost identical argument in
28 *Bartz et al. v. Anthropic PBC*, 24-cv-05417, finding the two actions not related where different

1 plaintiffs, property, and facts were involved, over Anthropic’s identical arguments to the contrary,
2 including that “Anthropic is the defendant in both cases.” Dkt. 220, Anthropic’s Response in Support
3 of Relatedness, at 1:9-10, 22. *See* Dkt. 239, Order Determining Cases Are Not Related. Even further,
4 *Bartz* was ruled unrelated without possessing the aforementioned countervailing interest in
5 relatedness of the two *Round Hill Actions*, filed on the same day, involving the same Plaintiffs and
6 property, and overlapping events and transactions which brought about the suits.

7 And while Anthropic attempts to rely on this Court’s ruling ordering relatedness in the
8 *BMG/Concord Actions*, Mot. at 4:2-5, it ignores again the important distinctions: the motion to relate
9 by BMG was unopposed, BMG and Concord are not ‘different music publisher plaintiffs’ as they
10 merged the same month the motion to relate was filed (hence the lack of opposition), and (like the
11 *Round Hill Actions*) the same exact property was at issue. *See* Dkt. 676, Anthropic’s Response in
12 Support of Relatedness of the *BMG/Concord Actions*, at 1:9-10 (arguing cases must be related
13 because “the approximately 500 musical compositions at issue in the *BMG Action* are also at issue in
14 *Concord I* or *Concord II*”).

15 Anthropic claims that relatedness is supported here because both cases involve merely the
16 same type of property, copyrights in musical compositions, Mot. at 4:8, while on the other hand
17 relatedness is not appropriate for the *Round Hill Actions* despite both involving actually identical
18 property, and despite Anthropic’s contrary argument in the present case in a situation where it suited
19 it: namely, where the same musical compositions are at issue, the cases must be related. *See* Opp.
20 4:10-14, *supra*, and Dkt. 676, at 1:9-10. Again, Anthropic’s own arguments counsel for relatedness
21 of the *Round Hill Actions* as opposed to relatedness to the present case. Anthropic’s citation to *JaM*
22 *Cellars, Inc. v. Wine Grp. LLC*, 2020 WL 2322992 at *1 (N.D. Cal. May 11, 2020), Mot. 4:14-16, is
23 inapposite, as the parties and claims were identical, and there was far more overlap as the only
24 difference in the two cases were the specific trademarks (“Butter vs. “Jam”).

25 Lastly, the transactions and events in the *Round Hill Actions* are more analogous than those
26 here, as they stem from the same property as discussed above. This dovetails with element two, as
27 maintaining consistency across rulings regarding the same property is a paramount concern. To get
28 even more granular, for example, the *Round Hill Actions* both allege as an exemplar that the song ‘I

Got You (I Feel Good)’ by James Brown, was ripped from the same or similar source, that it was ingested to train the AI models at issue, and that it was reproduced into infringing lyrical output. *See Suno Complaint*, ¶43; *Anthropic Complaint* at ¶58. These substantially similar transactions, processes, and events, flowing both to and from the same exact property, would be subject to duplication of discovery efforts and expense, and potentially differing rulings, creating inequitable results, if *Round Hill v. Anthropic* was related here.

Element II: Anthropic states that “[j]udicial economy and the risk of inconsistent results, is by far the more important of the two’ considerations for relation.” Mot. at 4:28-5:1 (quoting *Beauperthuy v. 24 Hour Fitness USA, Inc.*, 2012 WL 3757486, at *4 n.10 (N.D. Cal. July 5, 2012)). It heavily relies on *Pepper v. Apple Inc.*, 2019 WL 4783951, at *1–2 (N.D. Cal. Aug. 22, 2019) throughout its brief for this element, Mot. at 2:27-3:1; 4:23-25; 5:18, but *Pepper* actually supports denial of Anthropic’s motion.

In *Pepper*, the court held that relating the actions would avoid burdensome duplication of effort because “[a]ll three cases are currently in a similar procedural posture and have yet to begin substantial discovery and so efficiency gains will be achieved in discovery.” *Id.* Of course, this is not the case here, where *Concord I* is all the way at the summary judgment stage and has been pending for years, as opposed to the *Round Hill Actions* which are indeed in the same exact procedural posture. Once again, Anthropic’s own argument supports denial of its current motion and relating the *Round Hill Actions*: in its Response in Support of Relatedness of *Bartz to Concord I*, it stated it “would be an unduly burdensome duplication of labor and expense if discovery and pretrial proceedings in these two cases were conducted before different judges” as *Concord* “has not yet begun discovery in earnest” and “*Concord* and *Bartz* therefore are similarly positioned and could proceed on similar pretrial schedules without material delay to the earlier-filed case.” Dkt. 220, 2:15-16. *See also Fin. Fusion, Inc. v. Ablaise Ltd.*, 2006 WL 3734292, at *3 (N.D. Cal. Dec. 18, 2006) (“The second element is also met. Having two different judges govern discovery disputes and construe claims in the same patents would be an unduly burdensome duplication of labor and raise the danger of conflicting results.”).

Round Hill respectfully requests that this Court deny Anthropic’s Administrative Motion.

1 Dated: August 28, 2026

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FILER'S ATTESTATION

20 I, Richard S. Busch, am the ECF user whose identification and password are being used to file the
21 foregoing document. In compliance with Local Rule 5-1(i)(3), I hereby attest that all signatories
hereto concur in this filing.

/s/ Richard S. Busch