

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

AUSTIN BEAULIER, individually and on
behalf of all those similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

NO. 2:26-CV-01031-JNW

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Pursuant to Federal Rule of Civil Procedure 26(f), Local Civil Rules 16 and 26(f), this Court's practices and procedures, and the Court's August 4, 2026 Order (ECF No. 25), Plaintiff Austin Beaulier and Defendant Microsoft Corporation (collectively, the "Parties") submit this Joint Status Report and Discovery Plan.

1. NATURE AND COMPLEXITY OF THE CASE

Nature of Case. This putative class action concerns Microsoft's alleged acquisition, processing, use, and distribution of three-dimensional models and associated copyright-management information ("CMI") in connection with the development of TRELLIS, TRELLIS.2, TRELLIS-500K, and related research, datasets, data-processing pipelines, and AI models. Plaintiff alleges that certain 3D models were collected from online repositories, processed in a manner that removed or altered associated CMI, and subsequently used or distributed as part of Microsoft's research and AI model-development activities. Plaintiff asserts that this conduct violated the Digital Millennium Copyright Act, § 1202(b)(1) and (b)(2). Microsoft disputes Beaulier's factual and legal claims, including that Microsoft removed CMI from any 3D models and subsequently distributed those models, and has moved to dismiss the Complaint on these grounds. The motion to dismiss was fully briefed as of August 3, 2026, and remains pending before the Court.

Complexity The case presents some factual, technical and practical complexity. Discovery is expected to address how Microsoft obtained, processed, and used the 3D models at issue in developing TRELLIS, TRELLIS.2, and TRELLIS-500K. Relevant materials may include the original and processed model files, records identifying their sources and associated CMI, the data-processing and curation methods applied to them, and records concerning the training, development, evaluation, and release of the resulting datasets and models. Discovery may also involve large volumes of electronic information and materials obtained from third Parties. Further, Microsoft individuals involved in the development of the TRELLIS model and datasets identified so far are located in China and speak limited English. The putative class issues will also require evidence concerning common practices of Microsoft in relation to 3D model assets and Microsoft's processing practices.

1 The Parties present separate discovery schedules for the Court's consideration below. Despite
2 differences in the proposed schedules, both Parties endeavor to manage the case efficiently.

3 2. CONSENT TO UNITED STATES MAGISTRATE JUDGE

4 No.

5 3. DEADLINE FOR JOINING ADDITIONAL PARTIES

6 **Plaintiff's Position:** Plaintiff proposes that motions to amend pleadings or join additional parties
7 be filed within thirty days after the Court rules on Plaintiff's motion for class certification.

8 **Microsoft's Position:** Microsoft proposes that motions to amend pleadings or join additional
9 parties be filed within 60 days of the Court entering the Rule 16 scheduling order.

10 4. CLASS CERTIFICATION DEADLINE AND BRIEFING SCHEDULE

11 **Plaintiff's Position:** Plaintiff proposes the following class-certification schedule: Plaintiff's
12 motion for class certification, including supporting declarations, and/or expert reports: **November 22,**
13 **2027;** Microsoft's opposition, including supporting declarations, and/or opposing expert reports:
14 **January 4, 2028;** Plaintiff's reply, including supporting declarations, and/or reply expert reports:
15 **February 15, 2028.**

16 Plaintiff opposes Microsoft's requests that summary judgment occur before class certification
17 briefing or that class certification and summary judgment briefing occur simultaneously. Although
18 *Wright v. Schock*, 742 F.2d 541, 543–46 (9th Cir. 1984), permits the Court to reverse that sequence, Rule
19 23(c)(1) calls for a class determination as soon as practicable. The Ninth Circuit has recognized that
20 courts generally resolve class certification and provide notice before summary judgment on the merits.
21 *Schwarzschild v. Tse*, 69 F.3d 293, 295 (9th Cir. 1995). And this Court has followed that approach
22 recently in *In re Valve Antitrust Litigation*, 780 F. Supp. 3d 1110, 1129 (W.D. Wash. 2024), certifying
23 the class while maintaining a schedule under which summary-judgment motions were due 180 days later.
24 Plaintiff therefore respectfully proposes resolving class certification first, followed by summary
25 judgment, and has proposed a schedule to that effect.

Microsoft's Position: Microsoft respectfully requests the Court exercise its discretion to allow summary judgment briefing to precede class certification briefing. *See Wright v. Schock*, 742 F.2d 541, 545 (9th Cir. 1984) (“[W]here it is more practicable to do so and where the parties will not suffer significant prejudice—the district court has discretion to rule on a motion for summary judgment before it decides the certification issue.”). Microsoft has moved to dismiss this case in its entirety. In *Beaulier v. Meta Platforms, Inc.*, a case brought by Plaintiff involving the same 3D models and nearly identical claims, the court recently granted the defendant Meta’s motion to dismiss. *See* No. 3:26-cv-02632-CRB, Dkt. 32 (N.D. Cal. Aug. 26, 2026). To the extent Plaintiff’s claims here survive Microsoft’s Rule 12(b)(6) motion, summary judgment will further clarify and focus the issues, if not eliminate the need for class certification briefing entirely. Proceeding with summary judgment first promotes judicial economy and may prevent the Parties from unnecessarily expending significant resources on motions that might ultimately be moot.

At a minimum, Microsoft requests summary judgment and class certification proceed simultaneously (an offer of compromise that Microsoft presented to Plaintiff during the 26(f) conference), as courts have done in similar cases. *See, e.g., Bartz v. Anthropic PBC*, No. 4:24-cv-05417-AMO (N.D. Cal).

5. DISCOVERY PLAN UNDER FEDERAL RULE OF CIVIL PROCEDURE 26(F)(3)

a. Initial Disclosures. The Court ordered the Parties to exchange Rule 26(a)(1) initial disclosures by September 8, 2026. The Parties will timely supplement their disclosures as required by Rule 26(e).

b. Subjects, Timing, and Potential Phasing of Discovery.

Plaintiff's Position: Plaintiff believes discovery should proceed promptly on the claims, defenses, class-certification issues, damages, and relief. Plaintiff does not believe merits and class discovery should be bifurcated because the same evidence—including provenance, acquisition, processing, removal or alteration of CMI, dataset composition, common technical practices, use, release, distribution, and identification of affected works—bears on both merits and class issues.

1 Plaintiff is amenable to sequencing discovery so that the parties initially prioritize materials
2 concerning the core technical issues and the identification of putative class members, followed
3 by broader document and communications discovery from relevant custodians. The pending
4 motion to dismiss should not stay or delay discovery.

5 **Microsoft's Position:** Microsoft is willing to proceed with non-phased discovery.

6 **c. Electronically Stored Information.**

7 **Plaintiff's Position:** The case is expected to involve substantial ESI. This will include ordinary
8 business records, such as emails, Teams or other collaboration messages, documents stored on
9 shared drives or cloud-based systems, and relevant databases and logs. It may also include
10 technical materials concerning the development of the datasets and models at issue, such as source
11 code, original and processed 3D model files, records showing where those files came from and
12 how they were processed, model-development and training records, and information concerning
13 access to and distribution or release of the datasets and models. Accordingly, Plaintiff believes a
14 modified version of the District's Model Agreement Regarding Discovery of Electronically
15 Stored Information is appropriate to provide for the production of technical and structured ESI in
16 native or other reasonably usable machine-readable formats and preserve stable identifiers,
17 relationships, and reasonably available metadata.

18 **Microsoft's Position:** Microsoft agrees this case will involve a substantial amount of ESI and
19 intends to work with Plaintiff to enter into a modified version of the District's Model Agreement
20 Regarding Discovery of Electronically Stored Information. Additionally, Microsoft is currently
21 investigating whether the technology at issue requires the Parties to enter into a separate
22 stipulated training data inspection protocol. If it does, Microsoft will work with Plaintiff to enter
23 into such a protocol.

24 **d. Privilege Issues.** The Parties anticipate using a privilege log that identifies withheld or redacted
25 material with information sufficient to assess the claim. They will confer regarding categorical
26 logging, appropriate exclusions for post-complaint litigation communications, and the timing of
27

rolling privilege logs. The Parties will negotiate a proposed order under Federal Rule of Evidence 502(d) that establishes a mutually agreeable procedure for identifying and clawing back inadvertently produced privileged or work-product-protected materials. The Parties will submit the proposed Rule 502(d) order for the Court's approval, either in conjunction with the proposed protective order or separately, as soon as practicable.

e. Proposed Limitations on Discovery. The Parties do not propose limitations beyond those in the Federal Rules and Local Civil Rules at this time. The scope and sequence of particular requests should remain proportional to the needs of the case, without categorical caps or exclusions that prevent reasonable discovery of information central to the claims and defenses.

f. Discovery-Related Orders. The Parties are negotiating a stipulated protective order and ESI protocol based on, but with appropriate modifications to, the District's model orders. The Parties may also enter into a stipulated training data inspection protocol, if necessary. The Parties intend to submit each proposed order to the Court for approval as soon as practicable.

6. MATTERS UNDER LOCAL CIVIL RULE 26(F)(1)

a. Prompt Case Resolution. The Parties will endeavor to narrow disputes, prioritize the information most likely to advance the case, make rolling productions, confer before raising discovery disputes, and use the Court's expedited discovery procedures when appropriate.

b. Alternative Dispute Resolution.

Plaintiff's Position: Plaintiff is open to discussing the possibility of resolving this action through mediation or otherwise at an appropriate time, after the Parties have exchanged sufficient information to permit an informed evaluation of the claims and defenses.

Microsoft's Position: Microsoft believes engaging in ADR efforts is premature at this stage of litigation but will continue to evaluate the possibility, as required under LCR 39.1(a).

c. Related Cases.

Plaintiff's Position: Plaintiff is not aware of any related case within the meaning of LCR 3(g) or LCR 3(h).

1 **Microsoft's Position:** Microsoft is not aware of any related cases within the meaning of LCR
2 3(f). Plaintiff has filed several nearly identical cases against defendants Roblox, Meta, and
3 NVIDIA in the Northern District of California. In these cases, as here, Plaintiff alleges the
4 defendants used 3D models for purposes of generative AI training. *See Beaulier v. Meta*
5 *Platforms, Inc.*, No. 3:26-cv-02632-CRB (N.D. Cal.); *Beaulier v. Roblox Corporation*, No. 3:26-
6 cv-02642-JSC (N.D. Cal.); *Beaulier v. NVIDIA*, No. 5:26-cv-02647 (N.D. Cal).

7 **d. Discovery Management.** The Parties agree that discovery should be managed through targeted
8 requests, staged prioritization of the most probative sources, rolling productions, disclosure of
9 material source or collection limitations, and direct conferences among counsel and
10 knowledgeable ESI representatives. The Parties will consider the expedited joint-motion
11 procedure in LCR 37(a)(2) for disputes suitable for that process.

12 **e. Anticipated Discovery.**

13 **Plaintiff's Position:** Plaintiff expects to seek discovery concerning how Microsoft identified,
14 selected, and obtained the 3D models used in TRELLIS, TRELLIS.2, and TRELLIS-500K,
15 including materials obtained through Objaverse or Objaverse-XL. This discovery will likely
16 include records linking the original models to the versions processed by Microsoft, the copyright-
17 management information and licensing restrictions associated with those models, and the original
18 and processed model files. Plaintiff also expects to seek discovery concerning how the models
19 were converted, filtered, standardized, and prepared for use in Microsoft's datasets and model
20 development, including relevant source code, dataset and model versions, internal
21 communications, and records concerning the models' use, release, and distribution. Plaintiff also
22 anticipates targeted third-party discovery from repositories, platforms, researchers, vendors, or
23 other entities possessing relevant provenance, acquisition, or distribution information.

24 **Microsoft's Position:** Microsoft expects to seek discovery on the following, non-exhaustive list
25 of topics: Plaintiff's lack of harm; Plaintiff's ownership of and copyright interest in the 3D
26 models purportedly affected; Plaintiff's works and where they are published; the publication and
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1 licensing terms of Plaintiff's works on online platforms such as Sketchfab; the location and form
2 of CMI on Plaintiff's works; Sketchfab's NoAI tag, and any similar tagging on other platforms
3 containing Plaintiff's works; Plaintiff's licensing history and revenue from works at issue; and
4 the creation, development and use of Objaverse or Objaverse-XL.

5 **f. Phasing Motions.**

6 **Plaintiff's Position:** Plaintiff proposes resolving class certification before proceeding to
7 summary judgment, as reflected in Plaintiff's proposed schedule. It is also Plaintiff's position that
8 artificially separating merits and class discovery is not appropriate because each depends on
9 overlapping evidence.

10 **Microsoft's Position:** Microsoft respectfully requests that the summary judgment briefing
11 commence following the close of discovery, before any class certification briefing.

12 Microsoft anticipates moving for summary judgment for several grounds, including Plaintiff's
13 failure to prove Microsoft: (i) affirmatively removed CMI, as required by § 1202(b)(1) and (b)(3);
14 (ii) distributed works with CMI removed; and (iii) in both instances, acted with the necessary
15 "double-scienter." If Microsoft's motion is successful, each of Plaintiff's claims fail and motions
16 for class certification become moot. Plaintiff will not be prejudiced by ordering summary
17 judgment first. Instead, this proposed sequencing promotes judicial economy, and even if one or
18 both of plaintiff's claims survive, summary judgment briefing will help clarify and focus the
19 issues.

20 **g. Preservation of Discoverable Information.** The Parties have taken reasonable and proportional
21 steps to preserve discoverable information. Preservation should extend to relevant emails,
22 messages, documents, and other information maintained by relevant custodians, as well as
23 relevant information stored in shared systems and technical repositories. Technical materials to
24 be preserved should include the original and processed 3D model files, records showing where
25 those files came from and how they were processed, relevant versions of datasets, source code,
26 and models, associated copyright, attribution, and licensing information, and records concerning
27 access to and distribution or release of the datasets and models. The Parties will meet and confer
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regarding the relevant custodians, systems, and time periods; the use of personal devices or accounts for business purposes; any sources claimed to be inaccessible; and reasonable steps to prevent the automatic deletion or overwriting of unique relevant information.

h. Privilege Issues. The Parties will address privilege logging, redactions, categorical exclusions, challenges, and clawback procedures in the manner described in paragraph 5.d.

i. Model Protocol for Discovery of ESI. The Parties agree that the case requires preservation and production of ESI. The Parties are negotiating a stipulated ESI protocol based on, but with appropriate modifications to, the District's model orders, and may enter into a separate stipulated training data inspection protocol if necessary.

j. Alternatives to the Model Protocol. The Parties are negotiating a stipulated ESI protocol based on, with appropriate modifications to, the District's model orders. The Parties anticipate that any agreed protocol would address the identification of relevant custodians and information systems, methods for searching and producing ESI, production formats and metadata, treatment of emails and other electronic communications, and procedures applicable to databases and technical materials such as source code, datasets, models, and 3D model files. The Parties do not propose an alternative outside that modified-model framework. The Parties may also enter into a separate stipulated training data inspection protocol if the technology at issue requires as such.

7. COMPLETION OF DISCOVERY AND PROPOSED CASE SCHEDULE

Plaintiff's Position: Plaintiff's proposed schedule is below. The Parties agree that an extended schedule is warranted by the technical complexity of the case, the volume and specialized nature of the anticipated ESI, the need for class-certification and expert discovery, and dispositive-motion practice.

#	EVENT	PLAINTIFF'S PROPOSED DEADLINE
1	Rule 26(a)(1) initial disclosures	September 8, 2026
2	Substantial completion of document productions in response to initial requests	September 27, 2027

#	EVENT	PLAINTIFF'S PROPOSED DEADLINE
3	Plaintiff's motion for class certification and supporting expert reports ¹	November 22, 2027
4	Microsoft's opposition to class certification and opposing expert reports	January 4, 2028
5	Plaintiff's reply in support of class certification and reply expert reports	February 15, 2028
6	Deadline to amend pleadings or join additional Parties	30 days after the Court's ruling on class certification
7	Close of fact discovery	60 days after the Court's ruling on class certification
8	Deadline to serve opening merits expert reports	60 days after the close of fact discovery
9	Deadline to serve rebuttal merits expert reports	60 days after service of opening merits expert reports
10	Close of expert discovery, including completion of expert depositions	45 days after service of rebuttal merits expert reports
11	Deadline for Initial Moving Party to file dispositive motion and Rule 702 motions concerning merits experts	75 days after the close of expert discovery
12	Deadline for Opposing Party to file combined opening dispositive motion/opposition to dispositive motion, and merits Rule 702 motions	45 days after the motion(s) are filed

¹ If either party intends to file a Rule 702 motion directed to a class-certification expert, the Parties will meet and confer and propose a schedule that completes briefing on those motions no later than the class-certification reply deadline, unless otherwise ordered.

#	EVENT	PLAINTIFF'S PROPOSED DEADLINE
13	Deadline for Initial Moving Party to file combined opposition/reply in support of its dispositive motion, and merits Rule 702 motions	30 days after the opposition/opening is filed
14	Deadline for Opposing Party to file reply in support of its dispositive motion, and merits Rule 702 motions	30 days after the opposition/reply is filed
15	Pretrial conference	90 days after the Court rules on dispositive motions and merits Rule 702 motions, whichever is later, or as otherwise set by the Court
16	Trial date	120 days after the Court rules on dispositive motions and merits Rule 702 motions, whichever is later, and no earlier than 14 days after the final pretrial conference

Microsoft's Position: Microsoft agrees that an extended schedule is warranted by the technical complexity of the case, the volume and specialized nature of the anticipated ESI, and the fact that relevant Microsoft employees are located overseas and speak limited English. However, as discussed in Sections 4 and 6(f), Microsoft believes summary judgment briefing should precede class certification briefing in the interests of efficiency and judicial economy, as it may moot the need for any class certification briefing.

In the event this Court concludes that class certification briefing should proceed before summary judgment briefing, or the two should proceed simultaneously, Microsoft requests an opportunity to confer with Plaintiff regarding a proposed schedule that comports with the Court's preferred sequencing.

	EVENT	DEFENDANT'S PROPOSED DEADLINE
1	Rule 26(a)(1) initial disclosures	September 8, 2026
2	Deadline to amend pleadings or join additional parties	60 days after Court enters scheduling Order

	EVENT	DEFENDANT'S PROPOSED DEADLINE
3	Close of fact discovery	December 15, 2027
4	Deadline to serve opening merits expert reports	February 14, 2028
5	Deadline to serve rebuttal merits expert reports	March 27, 2028
6	Close of expert discovery, including completion of expert depositions	May 1, 2028
7	Deadline for Initial Moving Party's Opening Summary Judgment Brief and both Parties' merits Rule 702 motions	June 16, 2028
8	Deadline for Opposing Party's Combined Opening/Opposition Summary Judgment Brief and both Parties' merits Rule 702 opposition motions	July 24, 2028
9	Initial Moving Party's Combined Opposition/Reply Summary Judgment Brief and both Parties' Replies to merits Rule 702 motions	August 28, 2028
10	Opposing party's Reply Summary Judgment Brief	September 18, 2028
11	Hearing on dispositive motions and merits Rule 702 motions	October 18, 2028
12	Plaintiff's motion for class certification and supporting expert reports	30 days after the Court rules on dispositive motions
13	Microsoft's opposition to class certification and opposing expert reports	45 days after Plaintiff's class certification motion
14	Plaintiff's reply in support of class certification and reply expert reports	21 days after Microsoft's opposition to class certification

	EVENT	DEFENDANT'S PROPOSED DEADLINE
15	Pretrial conference	90 days after Court rules on all dispositive motions and class certification, or as set by Court
16	Trial date	No earlier than 30 days after the pretrial conference, or as set by Court; (Microsoft estimates no earlier than Fall 2029)

8. BIFURCATION

Plaintiff's Position: Plaintiff does not believe the case should be bifurcated for discovery or trial. Liability, class certification, damages, and equitable relief involve overlapping evidence concerning Microsoft's common technical processes, datasets, provenance and lineage records, and use or distribution of the challenged materials. Bifurcation would create duplication and delay rather than efficiency.

Microsoft's Position: Microsoft does not currently anticipate the need to bifurcate the matter beyond first completing discovery and motions for summary judgment, and only if Plaintiff's claims survive summary judgment, then move to class certification briefing in the interests of judicial economy.

9. PRETRIAL STATEMENTS AND PRETRIAL ORDER

The Parties do not presently propose dispensing with the pretrial statements, pretrial order, or related submissions required by LCR 16(e), (h), (i), and (k), and LCR 16.1.

10. INDIVIDUALIZED TRIAL PROGRAM AND ALTERNATIVE DISPUTE RESOLUTION

The Parties do not intend to use the Individualized Trial Program under LCR 39.2. The Parties' respective positions on ADR are set forth above in Section 6.b.

11. SUGGESTIONS FOR SHORTENING OR SIMPLIFYING THE CASE

The Parties will meet and confer regarding reasonable measures to shorten or simplify the case, including the sequencing and scope of discovery and the prompt resolution of discovery disputes.

12. TRIAL-READY DATE

Plaintiff's Position: Plaintiff's proposed discovery plan estimates that the case will be ready for trial in January 2030. Under Plaintiff's proposed schedule, class-certification briefing would conclude on

February 15, 2028. Assuming the Court rules on class certification in or around May 2028, fact discovery would close in July 2028, and briefing on dispositive motions and merits Rule 702 motions would proceed from March through June 2029. Assuming the Court rules on those motions in or around September 2029, trial would be set 120 days after, approximately January 2030.

Microsoft's Position: Microsoft's proposed discovery plan estimates that the case will be trial ready by November 2029. Rather than setting fixed dates for class certification briefing and trial, Microsoft's plan proposes class certification briefing commence 30 days following the Court's ruling on dispositive motions. We estimate the Court would rule in or around January 2029, and, as applicable, class certification briefing would occur from February through May 2029. We estimate the Court would rule on class certification by July 2029, a pre-trial conference would be held in October 2029, and trial in November 2029.

13. JURY OR NON-JURY TRIAL

The case will be tried to a jury.

14. ESTIMATED TRIAL LENGTH

Plaintiff's Position: Plaintiff estimates that trial will require ten trial days.

Microsoft's Position: At this time, Microsoft believes it is premature to estimate the length of trial, as Microsoft's pending Rule 12(b)(6) motion may significantly narrow the scope of the case, or eliminate it entirely, as may Microsoft's eventual motion for summary judgment. Additionally, Microsoft expects that the length of trial will depend on whether the Court certifies a class.

15. TRIAL COUNSEL

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16. TRIAL-COUNSEL CONFLICTS

Plaintiff's Position: Plaintiff's trial counsel presently have no known conflicts or other complications that must be considered in setting a trial date.

Microsoft's Position: Counsel for Microsoft does not currently have any conflicts in 2029.

17. SERVICE

All defendants have been served and have appeared.

18. PRE-SCHEDULING RULE 16 CONFERENCE

The Parties do not presently request a Rule 16 conference before entry of the scheduling order. The Parties believe the Court can set an appropriate schedule based on this Report. If the Court concludes

that a conference would be useful, the Parties are available by video, telephone, or in person as the Court directs.

19. CORPORATE DISCLOSURE STATEMENTS

Plaintiff Austin Beaulier is an individual and is not required to file a corporate disclosure statement under Federal Rule of Civil Procedure 7.1 or LCR 7.1. Microsoft Corporation filed its corporate disclosure statement on August 24, 2026.

Dated: September 25, 2026

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