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*Counsel for Individual and Representative
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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 ANDERSEN, et al.,
 18 Individual and Representative Plaintiffs,
 19 v.
 20 STABILITY AI LTD., et al.,
 21 Defendants.

Case No. 3:23-cv-00201-WHO

**STIPULATION AND [PROPOSED]
 ORDER REGARDING STABILITY AI AND
 MIDJOURNEY'S DEADLINE TO
 RESPOND TO COMPLAINT AND
 RELATED BRIEFING SCHEDULE**

22
 23 WHEREAS, on January 13, 2023, Plaintiffs Sarah Andersen, Kelly McKernan, and Karla
 24 Ortiz ("Plaintiffs") filed a Complaint (ECF No. 1) (the "Complaint") against Defendants
 25 Stability AI Ltd. and Stability AI, Inc. (collectively, "Stability"); Midjourney, Inc.
 26 ("Midjourney"); and DeviantArt, Inc. in *Andersen, et al. v. Stability AI Ltd., et al.*, No. 3:23-cv-
 27 00201-WHO (N.D. Cal.) (the "Action");

1 WHEREAS, Plaintiffs caused the Action to be served on Stability AI, Inc. and
2 Midjourney on January 18, 2023¹;

3 WHEREAS, neither Stability AI, Inc. nor Midjourney have filed an answer or otherwise
4 responded to the Complaint in the Action;

5 WHEREAS, Stability AI, Inc.'s and Midjourney's responses to the Complaint are
6 currently due February 8, 2023;

7 WHEREAS, Stability AI Ltd. is a UK corporation headquartered in London, England;

8 WHEREAS, as of the date of this stipulation, Plaintiffs have not caused the Action to be
9 served on Stability AI Ltd.;

10 WHEREAS, by operation of Rule 12(a)(1)(A), Fed. R. Civ. P., Stability AI Ltd.'s response
11 to the Complaint would be due within twenty-one (21) days after being served or, if service is
12 waived, within ninety (90) days after a request for waiver of service was sent;

13 WHEREAS, counsel for Plaintiffs, and counsel for Midjourney and Stability have met and
14 conferred and agreed that both public and private interests will be served by aligning Midjourney
15 and Stability's response deadlines and establishing a reasonable briefing schedule for any initial
16 motion(s) these entities may elect to file pursuant to Fed. R. Civ. P. 12;

17 WHEREAS, Stability and Midjourney do not waive, and expressly reserve, all available
18 defenses;

19 WHEREAS, to the parties' knowledge, no related actions have been filed in the United
20 States against Midjourney or Stability; and

21 WHEREAS, Stability and Midjourney have each agreed that, if a related complaint is filed
22 against it, that entity will not respond to that complaint prior to responding to the Complaint in
23 this Action.

24 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate
25 and agree, that, subject to the approval of the Court:

26
27 ¹ Defendant DeviantArt, Inc. was also served on January 18, 2023, but has not contacted
28 Plaintiffs as of the date of this filing.

1 1. The deadline for and Midjourney; Stability AI, Inc.; and Stability AI Ltd. to
2 respond to the Complaint shall be extended to April 18, 2023.

3 2. Plaintiffs' opposition to any motion(s) filed by Stability and/or Midjourney in
4 response to the Complaint shall be due on June 2, 2023.

5 3. Any reply in support of any such motion(s) shall be due on July 3, 2023.

6 4. If Midjourney; Stability AI, Inc.; and/or Stability AI Ltd. is served with any
7 subsequently filed lawsuit in any Federal or state court in the United States regarding Stable
8 Diffusion, DreamStudio, or any other AI Image Products (as defined in the Complaint) or a
9 lawsuit that is otherwise related to this action, each agrees that it will respond to the Complaint in
10 this action prior to responding to any complaint filed in any such lawsuit, which shall be on or
11 before April 18, 2023.

12 **PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO**
13 **ORDERED.**

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15 Dated:

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17 Honorable William H. Orrick
18 United States District Judge
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1 Dated: February 3, 2023

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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Counsel for Plaintiffs and the Proposed Class

1 Dated: February 3, 2023

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20 *Counsel for Defendants Stability AI, Inc.*
and Stability AI Ltd.

1 Dated: February 3, 2023

By: /s/ Angela L. Dunning
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10 *Counsel for Defendant*
11 *Midjourney, Inc.*

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(h)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

Dated: February 3, 2023

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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