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*Counsel for Individual and Representative
 13 Plaintiffs and the Proposed Class*

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 DEVIANTART,
 INC.'S DEADLINE TO RESPOND TO
 COMPLAINT AND RELATED BRIEFING
 SCHEDULE**

1 **WHEREAS**, on January 13, 2023, Plaintiffs Sarah Andersen, Kelly McKernan, and Karla
2 Ortiz (“Plaintiffs”) filed a complaint (ECF No. 1) (the “Complaint”) against Defendants
3 Stability AI Ltd. and Stability AI, Inc. (collectively, “Stability AI”); Midjourney, Inc.
4 (“Midjourney”); and DeviantArt, Inc. (“DeviantArt”) (all collectively, “Defendants”) in
5 *Andersen, et al. v. Stability AI Ltd., et al.*, No. 3:23-cv-00201-WHO (N.D. Cal.) (the “Action”);

6 **WHEREAS**, Plaintiffs caused the Action to be served on DeviantArt on January 18,
7 2023;

8 **WHEREAS**, DeviantArt has not filed an answer or otherwise responded to the
9 Complaint in the Action;

10 **WHEREAS**, DeviantArt’s response to the Complaint is currently due February 8, 2023;

11 **WHEREAS**, on February 3, 2023, Plaintiffs and Stability AI and Midjourney stipulated
12 to an amended briefing schedule wherein the parties agreed to the following briefing deadlines:
13 Stability AI and Midjourney’s deadlines to answer or otherwise respond to the Complaint shall
14 be April 18, 2023; Plaintiffs’ deadline to file an opposition to any motions filed by Stability AI
15 and/or Midjourney in response to the Complaint shall be June 2, 2023; Stability AI and
16 Midjourney’s deadlines to file a reply in support of any pleading motions shall be July 3, 2023
17 (ECF No. 28).

18 **WHEREAS**, counsel for Plaintiffs have conferred with counsel for DeviantArt and
19 agreed that both public and private interests will be served by aligning Defendants’ deadline to
20 respond to the Complaint and briefing schedule for any related motion(s);

21 **WHEREAS**, DeviantArt does not waive, and expressly reserves, all available defenses;

22 **WHEREAS**, to the parties’ knowledge, no related actions have been filed in the United
23 States against DeviantArt; and

24 **WHEREAS**, DeviantArt has agreed that, if a related complaint is filed against it, that
25 entity will not respond to that complaint prior to responding to the Complaint in this Action.

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

- 3 1. The deadline for DeviantArt to respond to the Complaint shall be extended to
4 April 18, 2023.
- 5 2. Plaintiffs' opposition to any motion(s) filed by DeviantArt in response to the
6 Complaint shall be due on June 2, 2023.
- 7 3. Any reply in support of any such motion(s) shall be due on July 3, 2023.
- 8 4. If DeviantArt is served with any subsequently filed lawsuit in any Federal or state
9 court in the United States regarding Stable Diffusion, DreamStudio, DreamUp, or
10 any other AI Image Products (as defined in the Complaint) or a lawsuit that is
11 otherwise related to this action, it agrees that it will respond to the Complaint in
12 this action prior to responding to any complaint filed in any such lawsuit, which
13 shall be on or before April 18, 2023.

14 **PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO**
15 **ORDERED.**

16
17 Dated: _____, 2023

18 _____
19 Honorable William H. Orrick
20 United States District Judge
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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 8, 2023

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

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