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

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 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 Stability AI
3 Ltd. and Stability AI, Inc. (collectively, “Stability AI”); Midjourney, Inc. (“Midjourney”); and
4 DeviantArt, Inc. (“DeviantArt”) (all collectively, “Defendants”) in *Andersen, et al. v. Stability AI*
5 *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, 2023;

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

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

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

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

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

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

23 **WHEREAS**, DeviantArt has agreed that, if a related complaint is filed against it, that
24 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 and
2 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 ORDERED.**

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16 Dated: February 8, 2023

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Honorable William H. Orrick
United States District Judge

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Dated: February 8, 2023

By: /s/ Joseph R. Saveri
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Counsel for Plaintiffs and the Proposed Class

Dated: February 8, 2023

By: /s/ Andrew M. Gass
Andrew M. Gass

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Counsel for Defendant DeviantArt, 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 8, 2023

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

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