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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SARAH ANDERSEN, et al.,
Plaintiffs,
v.
STABILITY AI LTD., et al.,
Defendants.

Case No. [23-cv-00201-WHO](#)

**ORDER REGARDING REQUEST FOR
DISCOVERY STAY**

Re: Dkt. Nos. 60, 62

United States District Court
Northern District of California

Defendants jointly moved to request a continuance of the initial Case Management Conference as well as a stay of deadlines, including discovery obligations, until after the defendants’ motions to dismiss and defendant Deviant Art’s special motion to strike under California’s anti-SLAPP law (Code of Civil Procedure § 425.16, joined by the other defendants) were heard. Dkt. No. 60.

Plaintiffs oppose that motion, arguing it was improper for defendants to seek a continuance of the CMC and a stay of discovery through an administrative motion. Dkt. No. 62. More substantively, plaintiffs argue that discovery should not be stayed considering the anti-SLAPP motion entitles plaintiffs to take discovery necessary to oppose that motion. *Id.*

Considering the arguments made, the Case Management Conference has been continued to and will remain set for August 29, 2023. The related obligations, including Rule 26(f) requirements, are likewise continued.

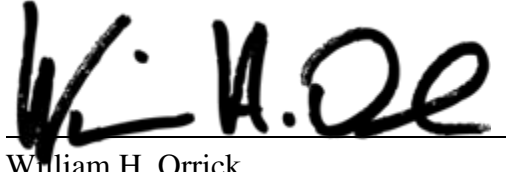
Having preliminarily reviewed Deviant Art’s anti-SLAPP motion, it appears to be a facial challenge to plaintiffs’ complaint and not a factual challenge that would necessitate the taking of discovery from defendants. However, the parties are directed to meet and confer regarding any discovery plaintiffs identify as necessary for them to oppose any factual challenges raised in Deviant Art’s anti-SLAPP motion. If the parties cannot reach agreement, they may submit a joint letter pursuant to my Standing Order regarding discovery disputes and I will consider the

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arguments raised.

IT IS SO ORDERED.

Dated: April 26, 2023



William H. Orrick
United States District Judge

United States District Court
Northern District of California