UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Paul Tremblay,

Individual and Representative Plaintiff,

v.

OpenAI, Inc., et al.,

Defendants.

This document relates to:

Case No. 3:23-cv-03223-AMO

Case No. 4:23-cv-03416-AMO

Case No. 4:23-cv-04625-AMO

Lead Case No. 3:23-cv-03223-AMO

~~[PROPOSED]~~ PRETRIAL ORDER NO. 1

[Filed Concurrently With Stipulation and ~~[Proposed]~~ Order to Consolidate Related Cases]

To facilitate the efficient management of the actions filed against OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund I, L.P.; OpenAI Startup Fund GP I, L.L.C.; and OpenAI Startup Fund Management, LLC ("OpenAI") regarding OpenAI LLMs used for ChatGPT (the "OpenAI ChatGPT Actions") involving claims of Direct Copyright Infringement (17 U.S.C. § 106), Vicarious Copyright Infringement (17 U.S.C. § 106), the Digital Millenium Copyright Act – Removal of Copyright Management Information (17 U.S.C. § 1202 (b)) ("the DMCA"), Unfair Competition (Cal. Bus. & Prof. Code §§ 17200, *et seq.*), Negligence, and Unjust Enrichment, the Court hereby **ORDERS** as follows:

1. The provisions of this Order shall govern the practice and procedures in the OpenAI ChatGPT Actions that were or will be related to *Tremblay, et al. v. OpenAI ,Inc ., et al.*, Case No. 3:23-cv-03223-AMO (N.D. Cal. June 28, 2023) ("*Tremblay* Action") pursuant to N.D. Cal. Civil Local Rule 3-12.[1] Pursuant to Federal Rule of Civil Procedure 42(a), the Court now consolidates the OpenAI ChatGPT Actions into Case No. 23-cv-03223. The OpenAI ChatGPT Actions currently pending in the Northern District have been consolidated for all purposes under Federal Rule of Civil Procedure 42(a) pursuant to stipulation by the parties. *See* ECF No. 107 Consolidation does not have the effect of making any entity a party to any action in which he, she, or it has not been named, served, or added in accordance with the Federal Rules of Civil Procedure. All subsequent filings filed in this Court related to the OpenAI ChatGPT Actions shall be captioned "*In re OpenAI ChatGPT Litigation*" under Case No. 23-cv-03223.

2. In any cases that are subsequently filed in, removed to, or transferred to this Court involving the same or substantially similar issues of law and fact, Plaintiffs and/or the party responsible for the filing, removal, and/or transfer shall file a notice of related case under Civil Local Rules 3-12 and 7-11 and a stipulation or administrative motion to consolidate actions within fourteen (14) days after the filing, removal, or transfer of the case (whichever is later).

[1] *Silverman, et al v. OpenAI, Inc., et al.*, Case No. 4:23-cv-03416-KAW (N.D. Cal. July 7, 2023) ("*Silverman* Action") and *Chabon, et al. v. OpenAI, Inc, et al.*, Case No. 4:23-cv-04625-AMO (N.D. Cal. Sept. 8, 2023) ("*Chabon* Action") have previously been related to the *Tremblay* Action by the Court. (ECF Nos. 26, - 53.)

3. Every pleading or motion filed in the master docket shall bear the following caption:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE OPENAI CHATGPT LITIGATION This Document Relates To: ["All Actions" or the docket numbers of each individual case to which the document relates.]	Master File No. 23-cv-03223-AMO

4. If a document pertains to only one or some of the member cases, the document must list the actions or the docket number of each individual action to which the document applies immediately under the master caption as set forth above. Documents that pertain to one or only some of the individual pending actions shall *also* be filed in the individual case(s) to which the documents pertain.

5. Each attorney of record is obligated to become a Northern District of California ECF User and be assigned a user ID and password for access to the system. If she or he has not already done so, counsel shall register forthwith as an ECF User and be issued an ECF User ID and password. Forms and instructions can be found on the Court's website at www.cand.uscourts.gov/ cm-ecf. The docket in Case No. 3:23-cv-03223-AMO will constitute the master docket. All filings shall be filed in the master docket.

6. ~~A copy of this Order shall be filed by the Clerk in any subsequent OpenAI ChatGPT Action related to *In Re:OpenAI ChatGPT Litigation*.~~ The parties shall file a notice attaching a copy of this Order in any subsequent OpenAI ChatGPT Action related to In Re: OpenAI ChatGPT Litigation.

7. Counsel are directed to familiarize themselves with the Northern District of California's Local Rules, the Standing Order for All Judges of the Northern District of California, the Court's standing orders, and the Guidelines for Professional Conduct for the Northern District of California.

8. Counsel who appeared in a related case prior to consolidation need not enter an additional appearance before this Court. Attorneys admitted to practice and in good standing in any United States District Court may, at Case No. 3:23-cv-03223-AMO, seek to be admitted *pro hac vice* in this litigation pursuant to N.D. Cal. Civil Local Rule 11-3. ~~The requirement that *pro hac vice*~~

~~counsel retain local counsel, *see* N.D. Cal. Civil Local Rules 11-3(a)(3) and 11-3(e), is waived and does not apply to this action.~~

IT IS SO ORDERED.

Dated: February 16, 2024

Honorable Araceli Martínez-Olguín
United States Judge