[counsel on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Paul Tremblay,

Individual and Representative Plaintiff,

v.

OpenAI, Inc., et al.,

Defendants.

Sarah Silverman, et al.,

Individual and Representative Plaintiffs,

v.

OpenAI, Inc., et al.,

Defendants.

Michael Chabon, et al.,

Individual and Representative Plaintiffs,

v.

OpenAI, Inc., et al.,

Defendants.

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

STIPULATION AND ~~[PROPOSED]~~ ORDER CONSOLIDATING CASES

Judge: Araceli Martinez-Olguin
Complaint Filed: June 28, 2023
Trial Date: n/a

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

RELATED CASE

Judge: Araceli Martinez-Olguin
Complaint Filed: July 7, 2023
Trial Date: n/a

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

RELATED CASE

Judge: Araceli Martinez-Olguin
Complaint Filed: Sept. 8, 2023
Trial Date: n/a

Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 3-12(a), Plaintiffs Paul Tremblay, Sarah Silverman, Christopher Golden, Richard Kadrey, Michael Chabon, Ta-Nehisi Coates, Junot Diaz, Andrew Sean Greer, David Henry Hwang, Matthew Klam, Laura Lippman, Rachel Louise Snyder, Ayelet Waldman, and Jacqueline Woodson and Defendants OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC jointly request that the above-captioned actions (the "Actions") be related and consolidated for all pretrial and trial proceedings. The parties, by and through their undersigned counsel, stipulate as follows:

WHEREAS, on June 28, 2023, Plaintiff Paul Tremblay[1] filed a Complaint (ECF No. 1) against Defendants OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP, L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC[2] in *Tremblay, et al. v. OpenAI, Inc., et al.*, No. 3:23-cv-03223-AMO (N.D. Cal. June 28, 2023) (the "*Tremblay* Action");

WHEREAS, on July 7, 2023, Plaintiffs Sarah Silverman, Christopher Golden, and Richard Kadrey[3] filed a Complaint (ECF No. 1) against Defendants in *Silverman, et al v. OpenAI, Inc, et al.*, No. 4:23-cv-03416-AMO (N.D. Cal. July 7, 2023) (the "*Silverman* Action");

WHEREAS, on July 19, 2023, Plaintiffs filed an Administrative Motion to Consider Whether Cases Should Be Related regarding the *Tremblay* Action and *Silverman* Action (*Tremblay* Action, ECF No. 16);

WHEREAS, on July 28, 2023, this Court granted the motion and ordered the Clerk to relate the later-filed *Silverman* Action to the *Tremblay* Action (*Tremblay* Action, ECF No. 26);

WHEREAS, on September 8, 2023, Plaintiffs Michael Chabon, David Henry Hwang, Matthew

[1] On August 11, 2023, a former Plaintiff in this action—Mona Awad—voluntarily dismissed her individual claims and exited the case. ECF No. 29.

[2] OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI OpCo, LLC; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are collectively referred as "OpenAI" or "Defendants."

[3] Plaintiffs Paul Tremblay, Sarah Silverman, Christopher Golden, and Richard Kadrey are collectively referred to as "Plaintiffs."

Klam, Rachel Louise Snyder, and Ayelet Waldman filed a Complaint against Defendants in *Chabon, et al. v. OpenAI, Inc, et al.*, Case No. 4:23-cv-04625-PHK (N.D. Cal. Sept. 8, 2023) ("*Chabon* Action");

WHEREAS, on September 20, 2023, Plaintiffs filed an Administrative Motion to Consider Whether Cases Should Be Related seeking to relate the *Chabon* Action to the *Tremblay* Action (ECF No. 46);

WHEREAS, on October 5, 2023, an amended complaint was filed in the *Chabon* Action (ECF No. 11);

WHEREAS, on October 10, 2023, this Court granted the motion and ordered the Clerk to relate the *Chabon* Action to the *Tremblay* Action (*Tremblay* Action, ECF No. 53; *Chabon* Action, ECF No. 17);

WHEREAS, the *Tremblay* Action, the *Silverman* Action, and the *Chabon* Action (collectively, the "Related Actions") all bring putative class action claims regarding ChatGPT and allege the same causes of action against the same Defendants;

WHEREAS, the parties agree that consolidation of the Actions will advance the just and efficient progress of this litigation, reduce case duplication, conserve Court time and resources, avoid the need to contact parties and witnesses for multiple proceedings, and minimize the expenditure of time and money for all parties involved. *See* Fed. R. Civ. P. 42(a);

WHEREAS, by stipulating to consolidation of the Related Actions, Defendants do not concede the truth of any of Plaintiffs' allegations or that certification of the putative classes is proper under Federal Rule of Civil Procedure 23 and specifically reserves its right to oppose class certification on all available grounds;

WHEREAS, the parties have met and conferred and agreed to the terms of the [Proposed] Pretrial Order No. 1 filed herewith;

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

1. The *Tremblay* Action, the *Silverman* Action, and the *Chabon* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a);

2. Following the ruling on Defendants' Motions to Dismiss (*Tremblay* Action, ECF No. 33; *Silverman* Action, ECF No. 32), Plaintiffs will file a consolidated complaint, by March 13, 2024. See ECF 104.

3. The *Chabon* Action shall be stayed pending consolidation. Defendants need not respond to the *Chabon* Complaint until Plaintiffs have filed a consolidated complaint.

4. The Court shall enter the ~~[Proposed]~~ Pretrial Order No. 1 filed herewith.

IT IS SO STIPULATED.

Dated: October 26, 2023

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

Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
Christopher K.L. Young (State Bar No. 318371)
Kathleen J. McMahon (State Bar No. 340007)
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
czirpoli@saverilawfirm.com
cyoung@saverilawfirm.com
kmcmahon@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)
1920 Hillhurst Avenue, #406
Los Angeles, CA 90027
Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

Counsel for Plaintiffs and the Proposed Class in the Tremblay and Silverman Actions

Dated: October 26, 2023

By: */s/ Daniel J. Muller*
Daniel J. Muller

Daniel J. Muller (State Bar No. 193396)
VENTURA HERSYE & MULLER, LLP
1506 Hamilton Avenue
San Jose, California 95125
Telephone: (408) 512-3022
Facsimile: (408) 512-3023
Email: dmuller@venturahersey.com

/s/ Bryan L. Clobes
Bryan L. Clobes (admitted *pro hac vice*)
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
205 N. Monroe Street
Media, PA 19063
Telephone: (215) 864-2800
bclobes@caffertyclobes.com

Alexander J. Sweatman (*pro hac vice anticipated*)
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
135 South LaSalle Street, Suite 3210
Chicago, IL 60603
Telephone: (312) 782-4880
asweatman@caffertyclobes.com

Counsel for Plaintiffs and the Proposed Class in the Chabon Action

Dated: October 26, 2023

By: *Joesph C. Gratz*
Joseph C. Gratz

Joseph C. Gratz (State Bar No. 240676)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: 415-268-7000
Facsimile: 415-268-7522
Email: jgratz@mofo.com

Counsel for OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI OpCo, LLC; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC

IT IS SO ORDERED.

Dated: February 16, 2024

Honorable Araceli Martínez-Olguín
United States Judge