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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case Number: 5:24-cv-03811-EKL-SVK

**PUBLISHERS' RESPONSE TO
ANTHROPIC'S REQUEST FOR A
DISCOVERY STATUS CONFERENCE**

Judge Eumi K. Lee
Magistrate Judge Susan van Keulen

1 Plaintiffs (“Publishers”) have received the Court’s Order to Show Cause, ECF No. 459
2 (“Order”), are heedful of the Court’s directives, and will cooperate with Defendant Anthropic PBC
3 (“Anthropic”) to resolve as many disputes as possible before the scheduled hearing this Friday,
4 October 10. To the extent the Parties are unable to resolve all disputes by the Court’s notice-of-
5 resolution deadline on October 9, Publishers’ counsel with primary responsibility for discovery
6 and full authority to negotiate and compromise on all remaining disputes will appear and be
7 prepared to remain at court for the entire business day, as ordered.

8 In advance of that scheduled hearing, however, Publishers must clarify the record on three
9 points raised in Anthropic’s Request for a Discovery Status Conference (the “Request”), ECF
10 No. 458.

11 *First*, as the Court noted in its Order, Anthropic’s Request was not a joint submission, and
12 Anthropic neither conferred with Publishers regarding the Request nor gave Publishers any notice
13 before filing it. In fact, Anthropic filed its Request *while* the Parties were in the middle of a
14 conferral by videoconference regarding some of the very issues Anthropic references in the
15 Request (Anthropic did not mention this Request at any point during that videoconference).

16 *Second*, there is absolutely no basis for Anthropic’s insinuation that Publishers have raised
17 these discovery disputes in bad faith solely to support their pending motions to amend the
18 Complaint or to extend the discovery schedule.¹ The record reflects the merits of Publishers’
19 positions in these disputes, which they will be prepared to discuss before the Court if the Parties
20 are unable to resolve these issues before then.

21 *Third*, Anthropic’s claim that Publishers have “begun refusing substantively to confer or
22 compromise” with Anthropic is false. Publishers have successfully resolved many issues with
23 Anthropic over the course of at least 10 conferrals in the last month alone. Publishers remain
24 prepared to work with Anthropic to resolve all disputes, and will continue to do so this week,
25 consistent with the Court’s Order.

26
27
28 ¹ Anthropic has made this accusation elsewhere more explicitly. *See, e.g.*, ECF No. 455 at 4 (“This dispute is another
in the avalanche of last-minute, overreaching discovery disputes that Plaintiffs have ginned up . . . presumably to
support their bid to extend the discovery schedule and expand the scope of the case.”).

1 Dated: October 6, 2025

Respectfully submitted,

2 /s/ Nicholas C. Hailey

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