

1 Joseph R. Saveri (State Bar No. 130064)
 2 Cadio Zirpoli (State Bar No. 179108)
 3 Christopher K.L. Young (State Bar No. 318371)
 4 Kathleen J. McMahon (State Bar No. 340007)
JOSEPH SAVERI LAW FIRM, LLP
 5 601 California Street, Suite 1000
 6 San Francisco, California 94108
 Telephone: (415) 500-6800
 7 Facsimile: (415) 395-9940
 Email: jsaveri@saverilawfirm.com
 8 czirpoli@saverilawfirm.com
 cyoung@saverilawfirm.com
 9 kmcmahon@saverilawfirm.com

10 Matthew Butterick (State Bar No. 250953)
 11 1920 Hillhurst Avenue, #406
 Los Angeles, CA 90027
 Telephone: (323) 968-2632
 12 Facsimile: (415) 395-9940
 13 Email: mb@buttericklaw.com

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

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

18 Paul Tremblay, et al.,
 19 Individual and Representative Plaintiffs,
 20 v.
 21 OpenAI, Inc.; et al.,
 22 Defendants.

Case No. 3:23-cv-03223-AMO
STIPULATION REGARDING DEFENDANTS'
DEADLINE TO RESPOND TO COMPLAINTS

24 Sarah Silverman, et al.,
 25 Individual and Representative Plaintiffs,
 26 v.
 27 OpenAI, Inc.; et al.,
 28 Defendants.

Case No. 4:23-cv-03416-~~KAW~~ AMO
STIPULATION REGARDING DEFENDANTS'
DEADLINE TO RESPOND TO COMPLAINTS

1 WHEREAS, on June 28, 2023, Plaintiffs Paul Tremblay and Mona Awad filed a Complaint
2 (ECF No. 1) against Defendants OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP,
3 L.L.C.; OpenAI Startup Fund GP I, L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund
4 Management, LLC¹ in *Tremblay, et al. v. OpenAI, Inc., et al.*, No. 3:23-cv-03223-AMO (N.D. Cal. June
5 28, 2023) (the “*Tremblay Action*”);

6 WHEREAS, on July 7, 2023, Plaintiffs Sarah Silverman, Christopher Golden, and Richard
7 Kadrey² filed a Complaint (ECF No. 1) against Defendants in *Silverman, et al. v. OpenAI, Inc., et al.*,
8 No. 4:23-cv-03416-KAW (N.D. Cal. July 7, 2023);

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

12 WHEREAS, the Court has not yet ruled on Plaintiffs’ Motion to Relate;

13 WHEREAS, Defendants OpenAI, Inc.; OpenAI, L.P.; OpenAI OpCo, L.L.C.; OpenAI GP,
14 L.L.C.; and OpenAI Startup Fund Management, LLC in the *Tremblay Action* and the *Silverman Action*
15 have been served;

16 WHEREAS, Defendants OpenAI Startup Fund GP I, L.L.C. and OpenAI Startup Fund I, L.P.
17 have agreed to accept service in the *Tremblay Action* and the *Silverman Action*;

18 WHEREAS, the parties named as Defendants in the *Tremblay Action* and the *Silverman Action*
19 have not filed answers nor otherwise responded to the complaints in those actions;

20 WHEREAS, Civil Local Rule 6-1 permits the parties to “stipulate in writing, without a Court
21 order, to extend the time within which to answer or otherwise respond to the complaint” so long as
22 “the change will not alter the date of any event or any deadline already fixed by Court order”;

23 WHEREAS, Defendants’ response to the Complaint in the *Tremblay Action* is currently due
24 July 21, 2023;

25 _____
26 ¹ OpenAI, Inc.; OpenAI, L.P.; OpenAI GP, L.L.C.; OpenAI OpCo, LLC; OpenAI Startup Fund GP I,
27 L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI Startup Fund Management, LLC are collectively
referred as “Defendants.”

28 ² Plaintiffs Paul Tremblay, Mona Awad, Sarah Silverman, Christopher Golden, and Richard Kadrey are
collectively referred to as “Plaintiffs.”

1 WHEREAS, the parties have conferred and agreed to an extension of the deadline for
2 Defendants to move or otherwise respond to the Complaint as well as Plaintiffs' response and
3 Defendants' replies to any such motion;

4 WHEREAS, an extension of the deadline to respond to the Complaint will not alter the date of
5 any event or deadline already fixed by Court order; and

6 WHEREAS, Defendants have agreed not to contend that discovery in this case should be
7 stayed or otherwise delayed until the pleadings have been resolved, but Defendants do not waive, and
8 expressly reserve, the right to interpose objections to particular discovery Plaintiffs may propound;

9 WHEREAS, the parties have agreed to conduct a Rule 26(f) conference at a mutually agreeable
10 date and time to occur no later than September 15, 2023;

11 WHEREAS, Defendants do not waive, and expressly reserve, all available defenses.

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

14 1. Defendants agree not to contend that discovery in this case should be stayed or
15 otherwise delayed until the pleadings have been resolved, but Defendants do not waive, and
16 expressly reserve, the right to interpose objections to particular discovery Plaintiffs may
17 propound;

18 2. Plaintiffs and Defendants shall conduct a Rule 26(f) conference at a mutually
19 agreeable date and time to occur no later than September 15, 2023;

20 3. Defendants' deadline to respond to any operative Complaint in the *Tremblay*
21 *Action* and the *Silverman Action* is extended to August 28, 2023;

22 4. Plaintiffs' oppositions to any motion(s) filed by Defendants in response to the
23 Complaint are due on September 27, 2023; and

24 5. Defendants' replies to any such motions are due on October 11, 2023.

25 6. **Anticipated Motion(s) Hearing set for December 7, 2023 at 2:00PM.**

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2
3 Dated: July 28, 2023

4 
5 _____
6 Honorable Araceli Martínez-Olguín
7 United States Judge

8 Dated: July 21, 2023

9 By: _____
10 /s/ Joseph R. Saveri
11 Joseph R. Saveri

12 Joseph R. Saveri (State Bar No. 130064)
13 Cadio Zirpoli (State Bar No. 179108)
14 Christopher K.L. Young (State Bar No. 318371)
15 Kathleen J. McMahon (State Bar No. 340007)
16 **JOSEPH SAVERI LAW FIRM, LLP**
17 601 California Street, Suite 1000
18 San Francisco, California 94108
19 Telephone: (415) 500-6800
20 Facsimile: (415) 395-9940
21 Email: jsaveri@saverilawfirm.com
22 czirpoli@saverilawfirm.com
23 cyoung@saverilawfirm.com
24 kmcmahon@saverilawfirm.com

25 Matthew Butterick (State Bar No. 250953)
26 1920 Hillhurst Avenue, #406
27 Los Angeles, CA 90027
28 Telephone: (323) 968-2632
Facsimile: (415) 395-9940
Email: mb@buttericklaw.com

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

1 Dated: July 21, 2023

2 By: /s/ Joseph C. Gratz
3 Joseph C. Gratz

4 Joseph C. Gratz (State Bar No. 240676)
5 **Morrison & Foerster LLP**
6 425 Market Street
7 San Francisco, CA 94105
8 Telephone: 415-268-7000
9 Facsimile: 415-268-7522
10 Email: jgratz@mofocom

11 *Counsel for OpenAI, Inc.; OpenAI, L.P.; OpenAI GP,*
12 *L.L.C.; OpenAI OpCo, LLC; OpenAI Startup Fund GP I,*
13 *L.L.C.; OpenAI Startup Fund I, L.P.; and OpenAI*
14 *Startup Fund Management, LLC*

15
16
17
18
19
20
21
22
23
24
25
26
27
28