

BURSOR & FISHER, P.A.

L. Timothy Fisher (State Bar No. 191626)
Joshua B. Glatt (State Bar No. 354064)
1990 North California Blvd., 9th Floor
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-mail: ltfisher@bursor.com
jglatt@bursor.com

BURSOR & FISHER, P.A.

Joseph I. Marchese (*pro hac vice* forthcoming)
Julian C. Diamond (*pro hac vice*)
1330 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
E-Mail: jmarchese@bursor.com
jdiamond@bursor.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID MILLETTE and RUSLANA
PETRYAZHNA, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

OPENAI, INC., AND OPENAI OPCO, L.L.C.,

Defendants.

Case No. 5:24-cv-04710-EJD

**PLAINTIFFS' AMENDED STATEMENT
OF NON-OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

Date: May 15, 2025

Time: 9:00 AM

Courtroom: 4

Judge: Hon. Edward J. Davila

Plaintiffs respectfully submit this Amended Statement of Non-Opposition to clarify the previously submitted Statement of Non-Opposition (ECF No. 60). Pursuant to N.D. Cal. Civ. L.R. 7-3(b), Plaintiffs respectfully submit this Amended Statement of Non-Opposition to Defendants' Motion to Dismiss (ECF No. 55) the state law claims brought by Plaintiffs Millette and Petryazhna under Counts I and II of the First Amended Complaint. ECF No. 47. Further, Plaintiff Millette does not oppose Defendants' Motion to Dismiss Count III of the First Amended Complaint. ECF No. 47. The Direct Copyright Infringement claim asserted by Plaintiff Petryazhna under Count IV remains unaffected by this Notice as it was not challenged in Defendants' Motion.

Dated: February 13, 2025

BURSOR & FISHER, P.A.

By: /s/ L. Timothy Fisher
L. Timothy Fisher

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