1 2 3 4 4 5 6 6 7 8 9 0 11 12 13 14 15 16 17 8 8 19	NORTHERN DISTRI SAN FRANCIS SARAH ANDERSEN, et al., Individual and Representative Plaintiffs, v. STABILITY AI, LTD., et al.,	DISTRICT COURT CCT OF CALIFORNIA SCO DIVISION  Case No. 3:23-CV-00201-WHO  DECLARATION OF JOSEPH R. SAVERI IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT MIDJOURNEY, INC.'S REQUEST FOR JUDICIAL NOTICE AND CONSIDERATION OF DOCUMENTS INCORPORATED BY REFERENCE IN SUPPORT OF DEFENDANT
ا9	STABILITY AI, LTD., et al.,	REQUEST FOR JUDICIAL NOTICE AND CONSIDERATION OF DOCUMENTS INCORPORATED BY REFERENCE IN SUPPORT OF DEFENDANT
20   21	Defendants.	MIDJOURNEY'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT AND TO STRIKE CLASS CLAIMS
22		Date: July 19, 2023
23		Time: 2:00 pm
24		Location: 2 - 17th Floor Before: Hon. William H. Orrick
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I, Joseph R. Saveri, declare as follows:

- 1. I am an attorney duly licensed to practice in the State of California. I am a partner and founder of the Joseph Saveri Law Firm, LLP ("JSLF"), counsel of record for Plaintiffs Sarah Andersen, Kelly McKernan, and Karla Ortiz in this action. I have personal knowledge of the matters stated herein and, if called upon, I could competently testify thereto. I make this declaration pursuant to 28 U.S.C. Section 1746 in support of Plaintiffs' Opposition to Defendant Midjourney, Inc.'s Request for Judicial Notice and Consideration of Documents Incorporated by Reference in Support of Defendant Midjourney's Motion to Dismiss Plaintiffs' Complaint and to Strike Class Claims.
- 2. Attached hereto as **Exhibit 1** is a true and correct screenshot of a page on the GitHub website showing an earlier version of Midjourney's help pages that were featured on Midjourney's website until January 26, 2023. Exhibit 1 was collected at my direction on May 25, 2023.
- 3. Attached hereto as **Exhibit 2** is a true and correct screenshot of a page on the GitHub website showing the repository history for the page depicted in Exhibit 1. Exhibit 2 was collected at my direction on May 25, 2023.
- 4. Attached hereto as **Exhibit 3** is a true and correct screenshot of the landing page of Midjourney's website (midjourney.com) taken while the initial animation that activates whenever the site is loaded or reloaded plays. Exhibit 3 was collected at my direction on April 25, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of June, 2023.

/s/ Joseph R. Saveri	
Joseph R. Saveri	