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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ANDREA BARTZ and KIRK
WALLACE JOHNSON, individually, and
ANDREA BARTZ, INC., CHARLES
GRAEBER, and MJ + KJ, INC.,
individually and as representatives of the
class,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 4:24-cv-05417-AMO

**DECLARATION OF DONALD S.
PASSMAN IN SUPPORT OF
APPLICATION FOR LEAVE TO
SUBMIT LATE REQUEST FOR
EXCLUSION FROM CLASS
ACTION SETTLEMENT; AND IN
THE ALTERNATIVE,
CONDITIONAL OBJECTION TO
FINAL APPROVAL**

I, Donald S. Passman, declare as follows:

1. I am an entertainment attorney and a partner at Gang, Tyre, Ramer, Brown & Passman, Inc. in Beverly Hills, California. I am the author of *All You Need to Know About the Music Business*, published by Simon & Schuster, the definitive reference work on the music industry. The book has been continuously in print for over three decades and has been updated across multiple editions. I have personal knowledge of the facts set

1 forth in this declaration, and if called as a witness, I could and would testify competently
2 thereto.

3 2. Four registered editions of my book appear on the settlement's Works List
4 in this action, bearing Copyright Office registration numbers TX0003315448,
5 TX0006468255, TX0008224272, and TX0009144313. I am the sole author and sole
6 copyright owner of each of these four editions. There are no co-owner complications of
7 any kind.

8 3. I am an entertainment attorney; I am not a class action litigation
9 practitioner. I had no prior familiarity with the existence of opt-out deadline until the
10 events described below.

11 4. I received no communication, by email, postal mail, postcard, or any other
12 means, from the settlement administrator, Class Counsel, Defendant Anthropic, or any
13 other party regarding this case, the settlement, the opt-out deadline, or my rights as a
14 class member, prior to May 13, 2026. I received no individual notice addressed to me by
15 name before the February 9, 2026 opt-out deadline closed, or at any time before May 13,
16 2026.

17 5. I did not receive the Court-approved class notice at my address at 132 S
18 Rodeo Dr., Beverly Hills, CA 90212-2415, or at any other address, before the February 9,
19 2026 opt-out deadline, or at any time thereafter. I am not aware of any class notice being
20 delivered to me at any address, by any means, prior to May 13, 2026.

21 6. I did not miss the opt-out deadline because I was inattentive or chose not
22 to act. I missed it because I never received the notice that would have informed me of the
23 settlement, the deadline, or my right to opt out.

24 7. On April 17, 2026, more than two months after the opt-out deadline had
25 closed, I reached out on my own initiative to my editor at Simon & Schuster, Stephanie
26 Frerich, to ask whether she knew anything about the Anthropic settlement. At the time, I
27 had received nothing related to this case. In my communication to her, I stated: "I
28

1 wouldn't be surprised if my book was involved, but I haven't heard from anyone." A true
2 and correct copy of that communication is attached hereto as Exhibit A.

3 8. On April 20, 2026, my editor responded that Simon & Schuster's legal
4 team had advised that "the publishers could not register authors for inclusion in the
5 settlement" and that authors "needed to do so independently." Simon & Schuster neither
6 forwarded any original class notice to me nor took any step to inform me of my rights as
7 a class member.

8 9. Following my editor's response on April 20, 2026, I still had not received
9 any communication from the settlement administrator, Class Counsel, Defendant
10 Anthropic, or any other party connected with this litigation. I had no information about
11 the existence of any opt-out deadline.

12 10. Simon & Schuster did not forward to me any original class notice, did not
13 advise me of my opt-out rights, and took no further steps to assist me in understanding
14 my status or rights as a class member in connection with this litigation.

15 11. As of April 29, 2026, when the settlement administrator sent the letter
16 described below, I had still received no communication from any party or administrator
17 connected with this case regarding the settlement, the opt-out deadline, or my rights.

18 12. On April 29, 2026, JND Legal Administration mailed a letter to me at 132
19 S RODEO DR, BEVERLY HILLS, CA 90212-2415. I received that letter on May 13,
20 2026, ninety-three days after the February 9, 2026 opt-out deadline. The final approval
21 hearing was held the very next day, May 14, 2026.

22 13. The April 29, 2026 letter was not the Court-approved class notice required
23 by Rule 23(c)(2)(B). It did not advise me of my right to opt out of the settlement. It did
24 not reference the February 9, 2026 opt-out deadline. It did not advise me of my right to
25 seek court relief from that deadline. Instead, the letter invited me to file my own claim for
26 payment. The sole operative deadline set forth in the letter, 70 days from April 29, 2026,
27 was for filing a claims form for payment, not for opting out. A true and correct copy of
28 that letter is attached hereto as Exhibit B.

1 14. The April 29, 2026 letter further stated that I "may have already received
2 the Court-approved Class Notice." I had not received any such notice.

3 15. The April 29, 2026 claims letter also listed, alongside my four registered
4 editions of *All You Need to Know About the Music Business*, a fifth work: *The Algebraic*
5 *Structure of Group Rings*, Copyright Registration No. RE0000923970. I am not the
6 author of that book. *The Algebraic Structure of Group Rings* was written by a
7 mathematics professor at the University of Wisconsin who shares my name. I have no
8 connection to that work.

9 16. Upon receiving the April 29, 2026 claims notice on May 13, 2026, I did
10 not understand that I retained any right to seek exclusion from the settlement. As an
11 entertainment attorney who does not practice federal class action litigation, and having
12 received a post-deadline administrative letter that mentioned a prior original notice and
13 set only a claims-filing deadline, I did not reasonably understand that letter to be advising
14 me that I retained the ability to seek court relief from an opt-out deadline I had never
15 been told about.

16 17. Recognizing that I needed specialized litigation counsel to advise me in a
17 complex class action, I contacted Freundlich Law on May 28, 2026. After Freundlich
18 Law conducted its intake, conflicts review, and assessment of the matter, the engagement
19 was formally finalized on June 24, 2026. This application is filed shortly thereafter.

20 18. Once my counsel confirmed that I could seek opt-out rights and that I
21 could seek relief from the Court, both I and Freundlich Law acted without delay in filing
22 this application.

23 19. My book, *All You Need to Know About the Music Business*, is the
24 preeminent reference work on the music industry. It has been continuously in print for
25 over three decades and is relied upon by recording artists, entertainment lawyers, artist
26 managers, record label executives, and music business students worldwide. The estimated
27 per-work settlement payment of approximately \$3,351.39 does not adequately
28 compensate me for the potential value of my individual copyright claims. I have a

1 genuine, substantial, and good-faith interest in pursuing individual litigation with respect
2 to my four registered editions.

3 20. I understand that if this application is granted, I will be excluded from the
4 class action settlement and will not receive any settlement payment for the four registered
5 editions identified on the Works List. I am prepared to accept that consequence in order
6 to pursue my individual copyright claims.

7 I declare under penalty of perjury under the laws of the United States of America
8 that the foregoing is true and correct.

9 Executed on June 30, 2026, at Beverly Hills, California.

A handwritten signature in black ink, appearing to read 'Don Passman', written over a horizontal line.

Donald S. Passman