

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Mosaic LLM Litigation

Mosaic LLM Litigation · No. 24-cv-01451-CRB (LJC) · Decided December 8, 2025

SUMMARY

The United States District Court for the Northern District of California denied without prejudice Plaintiffs’ request to take five additional third-party depositions in the Mosaic LLM litigation. The Court ordered that a Rule 30(b)(6) deposition of Hanlin Tang be reopened for two additional hours concerning Topics 37 and 40, finding that Defendants had not adequately prepared the designee on matters reasonably available from documents and former employees.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Lisa J. Cisneros
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 8, 2025
DOCKET	24-cv-01451-CRB (LJC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought leave to take five additional third-party depositions after the close of fact discovery in an ongoing copyright-infringement action.
STANDARD OF REVIEW	The court evaluated the proposed discovery under Federal Rules of Civil Procedure 26(b)(1) and 26(b)(2), considering relevance, proportionality, timeliness, cumulative or duplicative discovery, availability from less burdensome sources, and the existing case schedule.
PRECEDENTIAL VALUE	Unknown; district court discovery order with no reporter citation.

TOPICS

- discovery dispute
- copyright infringement
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs should be permitted to take five additional third-party depositions after the close of fact discovery.
2. Whether the alleged failure to adequately prepare a Rule 30(b)(6) witness justified reopening that deposition for limited additional questioning.

HOLDINGS

1. The proposed five third-party depositions were relevant but not proportional to the needs of the case because the request was untimely, potentially duplicative of discovery already obtained, and information was available from less burdensome sources.
2. A corporate party must make a conscientious, good-faith effort to designate and prepare a knowledgeable Rule 30(b)(6) witness, using information reasonably available from documents, former employees, or other sources; Defendants had not adequately prepared Hanlin Tang on Topics 37 and 40.

KEY QUOTATIONS

“Although a “Rule 30(b)(6) designee is not required to have personal knowledge on the designated subject matter,” a corporate party “has a duty to make a conscientious, good-faith effort to designate knowledgeable persons for Rule 30(b)(6) depositions and to prepare them to fully and unequivocally answer questions about the designated subject matter.”” (at 5)

“The fact that an organization no longer has a person with knowledge on the designated topics does not relieve the organization of the duty to prepare a Rule 30(b)(6) designee.” (at 6)

“Defendants must comply with their obligations under Rule 30(b)(6) and prepare their “Rule 30(b)(6) designee to the extent matters are reasonably available, whether from documents, past employees, or other sources” to testify on Topics 37 and 40.” (at 6)

FACTUAL BACKGROUND

Plaintiffs assert direct copyright infringement claims against MosaicML and vicarious copyright infringement claims against Databricks, while also seeking leave to add additional infringement theories. Plaintiffs sought third-party depositions concerning the alleged hosting, sharing, and distribution of datasets, including depositions of AWS, a former MosaicML employee, and three customers. The request was made shortly before the close of fact discovery, after Plaintiffs had already obtained substantial party and documentary discovery, and AWS access logs were being pursued through a subpoena.

PROCEDURAL HISTORY

Plaintiffs had already received permission to take five additional party depositions and sought to depose Amazon Web Services, a former MosaicML employee, and three customers. The magistrate judge denied the request

without prejudice but reopened the Rule 30(b)(6) deposition of Hanlin Tang for two additional hours concerning Topics 37 and 40.

DISPOSITION

other

REMAND INSTRUCTIONS

The request to depose AWS, Nicholas Sapp, and three customers was denied without prejudice. Defendants must prepare Hanlin Tang in accordance with Rule 30(b)(6) and the order and must permit an additional two hours of questioning concerning Topics 37 and 40. The joint administrative motion to file excess pages as exhibits was granted.

CASES CITED

- Kadrey v. Meta Platforms, Inc., No. 23-cv-03417-VC (TSH), 2024 WL 4502099, at *1 (N.D. Cal. Oct. 15, 2024)
- Great Am. Ins. Co. of New York v. Vegas Const. Co., 251 F.R.D. 534, 539-40 (D. Nev. 2008)
- Flodin v. Cent. Garden & Pet Co., No. 21-cv-01631-JST (DMR), 2024 WL 3387620, at *2 (N.D. Cal. July 11, 2024)

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