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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

vs.

ANTHROPIC PBC,

Defendant.

Case No. 5:24-cv-03811-EKL-SVK

**DECLARATION OF IVANA  
DUKANOVIC RELATED TO ECF  
NO. 365**

Hon. Eumi K. Lee

Magistrate Judge Susan van Keulen

1 I, Ivana Dukanovic, declare the following:

2 1. I am an associate at Latham & Watkins LLP and counsel of record for Defendant  
3 Anthropic PBC (“Anthropic”) in this case. I have personal knowledge of the matters stated in  
4 this declaration, and if called as a witness, I could and would competently testify to them.

5 2. I submit this declaration in response to the Court’s order for “a Statement  
6 addressing the issue raised by Plaintiffs’ counsel at the outset of the [May 13, 2025] hearing.”  
7 Dkt. 365.

8 3. Our investigation of the matter confirms that this was an honest citation mistake  
9 and not a fabrication of authority. The first citation in footnote 3 of Dkts. 340-3 (sealed) and  
10 341-2 (public) includes an erroneous author and title, while providing a correct link to, and  
11 correctly identifying the publication, volume, page numbers, and year of publication of, the  
12 article referenced by Ms. Chen as part of the basis for her statement in paragraph 9. We  
13 apologize for the inaccuracy and any confusion this error caused.

14 4. The American Statistician article reviewed and relied upon by Ms. Chen, and  
15 accessible at the first link provided in footnote 3 of Dkts. 340-3 and 341-2, is titled *Binomial*  
16 *Confidence Intervals for Rare Events: Importance of Defining Margin of Error Relative to*  
17 *Magnitude of Proportion*, by Owen McGrath and Kevin Burke. A Latham & Watkins associate  
18 located that article as potential additional support for Ms. Chen’s testimony using a Google  
19 search. The article exists and supports Ms. Chen’s testimony in her declaration and at the May  
20 13, 2025 hearing, which she proffered based on her pre-existing knowledge regarding the  
21 appropriate relative margin of error for rare events. A copy of the complete article is attached as  
22 Exhibit A.

23 5. Specifically, “in the context of small or rare-event success probabilities,” the  
24 authors “suggest restricting the range of values to  $\epsilon R \in [0.1, 0.5]$ ”—meaning, a relative margin  
25 of error between 10% to 50%—“as higher values lead to imprecision and poor interval coverage,  
26 whereas lower values lead to sample sizes that are likely to be impractically large for many  
27 studies.” See Exhibit A, at 446. This recommendation is entirely consistent with Ms. Chen’s  
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1 testimony, which proposes using a 25% relative margin of error based on her expertise.

2         6. After the Latham & Watkins team identified the source as potential additional  
3 support for Ms. Chen's testimony, I asked Claude.ai to provide a properly formatted legal  
4 citation for that source using the link to the correct article. Unfortunately, although providing the  
5 correct publication title, publication year, and link to the provided source, the returned citation  
6 included an inaccurate title and incorrect authors. Our manual citation check did not catch that  
7 error. Our citation check also missed additional wording errors introduced in the citations during  
8 the formatting process using [Claude.ai](#). These wording errors are: (1) that the correct title of the  
9 source in footnote 2 of Ms. Chen's declaration is *Computing Necessary Sample Size*, not, as  
10 listed in footnote 2, *Sample Size Estimation*, and (2) the author/preparer of the third source cited  
11 in footnote 3 is "Windward Environmental LLC", not "Lower Windward Environmental LLC."  
12 Again, we apologize for these citation errors.

13         7. Ms. Chen, as well as counsel, reviewed the complete text of Ms. Chen's  
14 testimony and also reviewed each of the cited references prior to submitting Ms. Chen's  
15 declaration to the Court. In reviewing her declaration both prior to submission and in  
16 preparation for the hearing on May 13, 2025, Ms. Chen reviewed the actual article available at  
17 the first link in footnote 3 of her declaration and attached hereto as Exhibit A, and the article  
18 supports the proposition expressed in her declaration with respect to the appropriate margin of  
19 error.

20         8. During the production and cite-checking process for Ms. Chen's declaration, the  
21 Latham & Watkins team reviewing and editing the declaration checked that the substance of the  
22 cited document supported the proposition in the declaration, and also corrected the volume and  
23 page numbers in the citation, but did not notice the incorrect title and authors, despite clicking on  
24 the link provided in the footnote and reviewing the article. The Latham & Watkins team also did  
25 not notice the additional wording errors in footnotes 2 and 3 of Ms. Chen's declaration, as  
26 described above in paragraph 6.

27         9. This was an embarrassing and unintentional mistake. The article in question  
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1 genuinely exists, was reviewed by Ms. Chen and supports her opinion on the proper margin of  
2 error to use for sampling. The insinuation that Ms. Chen's opinion was influenced by false or  
3 fabricated information is thus incorrect. As is the insinuation that Ms. Chen lacks support for her  
4 opinion. Moreover, the link provided both to this Court and to Plaintiffs was accurate and, when  
5 pasted into a browser, calls up the correct article upon which Ms. Chen had relied. Had  
6 Plaintiffs' counsel raised the citation issue when they first discovered it, we could and would  
7 have confirmed that the article cited was the one upon which Ms. Chen relied and corrected the  
8 citation mistake.

9       10. We have implemented procedures, including multiple levels of additional review,  
10 to work to ensure that this does not occur again and have preserved, at the Court's direction, all  
11 information related to Ms. Chen's declaration. I understand that Anthropic has also preserved all  
12 information related to Ms. Chen's declaration as well.

13       I declare under penalty of perjury that the foregoing is true and correct.

14       Executed on May 15, 2025, at San Francisco, California.

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Ivana Dukanovic