UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This Document Relates To: News Cases 1:23-cv-11195-SHS-OTW 1:24-cv-01515-SHS-OTW 1:24-cv-03285-SHS-OTW 1:24-cv-04872-SHS-OTW 1:25-cv-04315-SHS-OTW	25-md-3143 (SHS) (OTW) **HON. SIDNEY H. STEIN** **HON. ONA T. WANG**

NEWS PLAINTIFFS' MOTION TO SEAL PORTIONS OF THEIR OPPOSITION SUMMARY JUDGMENT BRIEFING AND RESPONSIVE RULE 56.1 STATEMENTS

Under paragraph 34 of the Stipulated Protective Order (Dkt. 367), and paragraph 9 of the Amended Stipulated Omnibus Sealing Order (Dkt. 2101), News Plaintiffs respectfully seek to file under seal portions of their omnibus opposition brief to Defendants' motions for summary judgment ("Opposition Brief") and their responsive Rule 56.1 statements.[1] The motion includes News Plaintiffs' requests to file under seal (1) limited portions of materials previously designated as Protected Discovery Material, and (2) materials that Defendants have identified as Protected Discovery Material, as set forth below.

First, News Plaintiffs affirmatively seek to seal limited portions of their Opposition Brief and supporting papers. These materials are listed below, separated by plaintiff.

- The New York Times Company
    - Portions of paragraphs 62, 86, 87, and 147 of News Plaintiffs' Response to Microsoft's Statements of Undisputed Material Facts.
- The Daily News Plaintiffs
    - Two statistics on page 7 of News Plaintiffs' Opposition Brief.
    - Portions of paragraphs 97, 103, 109, 115, 121, 127, 133, 139, and 146 of News Plaintiffs' Response to Microsoft's Statements of Undisputed Material Facts.

[1] The responsive Rule 56.1 statements include (i) News Plaintiffs' Counterstatement of Material Facts, (ii) Plaintiffs' Response to OpenAI's Statement of Undisputed Material Facts in Support of its Motions for Summary Judgment, and (iii) News Plaintiffs' Response to Microsoft's Statements of Undisputed Material Facts in Support of its Motions for Summary Judgment.

Daily News Plaintiffs also seek to clarify that due to typographical errors, the paragraph numbers referenced in News Plaintiffs' Motion to Seal (ECF 1687) and in the associated Declaration of Robyn Morris (ECF 1779) do not correspond with the paragraph numbers in News Plaintiffs' Corrected Combined Rule 56.1 Statement of Material Undisputed Facts (ECF 2036). The following are the correct corresponding paragraph numbers:

Paragraphs as Identified in ECF 1687 and 1779	**Corresponding Paragraphs in ECF 2036**
94 and 1308	94 and 1624
1294 through 1307	1610 through 1623
86, 1270, 1289, 1291, and 1292	82, 1586, 1605, 1607, and 1608
1274 through 1279	1590 through 1595
126 and 127	447 and 448

- The Center for Investigative Reporting
    - The Center for Investigative Reporting ("CIR") does not seek to maintain under seal any paragraphs in News Plaintiffs' Opposition Brief, News Plaintiffs' Counterstatement of Material Facts, Plaintiffs' Response to OpenAI's Statement of Undisputed Material Facts, or News Plaintiffs' Response to Microsoft's Statements of Undisputed Material Facts.
- The Intercept
    - Portions of paragraphs 265 and 266 of Plaintiffs' Response to OpenAI's Statement of Undisputed Material Facts.

- Ziff Davis Plaintiffs
    - Portions of paragraphs 212, 240, 243, 259, 260, 281, 312, 313, and 314 of Plaintiffs' Response to OpenAI's Statement of Undisputed Material Facts.

News Plaintiffs explain the bases for these requests in the accompanying memorandum of law.

Second, News Plaintiffs seek to provisionally file under seal portions of their Opposition Brief and responsive Rule 56.1 statements which cite to or attach information and documents that have been designated as Protected Discovery Material by Defendants. For this latter category of information, Defendants have until October 28, 2026 to file a statement of reasons for why these materials should remain under seal. Dkt. 2101 ¶ 9.

For the Court's convenience, statements which News Plaintiffs seek to affirmatively seal in their Opposition Brief and supporting papers have been highlighted in green. Passages which are being provisionally sealed because of reference to Defendants' confidential material have been highlighted in yellow.

Dated: October 23, 2026

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