VIA ECF

January 30, 2026

Hon. Ona T. Wang
Southern District of New York

In re OpenAI, Inc., Copyright Infringement Litigation, 1:25-md-3143 (SHS) (OTW)
This Document Relates To: No. 1:23-cv-11195 (SHS) (OTW)

Dear Magistrate Judge Wang:

We are twenty-eight days from close of fact discovery, and News Plaintiffs do not yet have a single output log from Microsoft.[1] News Plaintiffs have been seeking these logs for nearly two years, since serving Requests for Inspection on May 22, 2024 (New York Times) and June 4, 2024 (*Daily News* Plaintiffs), yet at every step the world's largest technology company claims unexplained technical difficulties have prevented their production. At best, Microsoft has under-resourced this project; at worst, it is deliberately delaying production to prejudice News Plaintiffs by denying them adequate time to review the logs and engage in any follow-up discovery about them.

Microsoft's position on when it will produce the output logs has changed multiple times, as reflected by the chronology below. News Plaintiffs fear that it is becoming too late to effectively review and analyze the millions of output logs that Microsoft says that it will make available, which will impact their ability to submit a timely expert analysis of these logs. The parties have already agreed on the output logs to be made available (about 8.2 million output logs), and the remote inspection environment; all that remains is for Microsoft to actually follow through and make the logs available. Because of the fast-approaching close of fact discovery, News Plaintiffs ask the Court order Microsoft to immediately make available – no later than February 6 – the output logs in a remote inspection environment and in a readily accessible and searchable format.

Event	**Dkt.**	**Date of Initial Estimate**	**Microsoft's Statement**	**Estimated Completion Date**	**Date Completed**
Microsoft to create a metadata table to facilitate the search of its output logs	Dkts. 591, 692, Ex. A	9/8/25	On September 8, Microsoft estimated about two weeks to create this metadata table for its output logs. Dkt. 591-1 at 24. A month after its estimated date of completion, Microsoft told the Court in a discovery chart that it "ran into some unexpected difficulties that are causing the process to take longer than the initial estimate" and could not commit to a	9/22/25	11/14/25

[1] This motion is being filed by News Plaintiffs, including, The Times, the *Daily News* Plaintiffs, and the Center for Investigative Reporting.

			completion date. Dkt. 692-3 at 14-15. On October 31, Microsoft emailed that it would take "another 2 weeks for completion." Ex. A.		
Microsoft to search its output logs	Exs. B-D	11/14/25	When the metadata table was complete, News Plaintiffs asked Microsoft to search it – the exact purpose for which the table was created. Microsoft responded on November 26 that the initial search terms produced too many hits, and then waited more than two weeks to provide updated hit reports for updated search terms. Exs. B-D.	Would not estimate	12/10/25
Microsoft to provide the logs hitting on News Plaintiffs' search terms	Dkts. 950, 1014, 1177, Exs. E-F	12/22/25	Microsoft initially refused to say how long this would take, noting in a status letter to the Court that it would "provide News Plaintiffs with an estimate for completion as soon as it is able." Dkt. 950 at 7. Microsoft later estimated an initial PII pipeline could be done by January 2, but would not provide a date certain. Dkt. 1014 at 1-2. At the January 15 discovery hearing, Microsoft said that it "completed building the pipeline and [is] currently testing it and validating it right now which should take a couple of days. That's our best estimate. And then our data people also provide the estimate that once that's completed, we'll be able to apply the redactions within a manner of days." Ex. E at 168. Then, on January 22, Microsoft told the Court that it "estimates that, assuming no errors, the logs will be ready for production early next week." Dkt. 1177at 1. Late on January 28, Microsoft emailed to explain it had "run into numerous timeouts" and would be able to provide the "complete logs next week [i.e., week of February 2]." Ex. F. The next day Microsoft confirmed it would provide the logs by February 6. Ex. F.	January 2026	Not completed

Microsoft represented to the Court in its January 22, 2026 update (Dkt. 1177) – that "assuming no errors the logs will be ready for production" "early" the week of January 26. It is now the end of that week and we still do not have them. On Wednesday, January 28, and Thursday, January 29, Microsoft advised News Plaintiffs that it has run into technical problems and now hopes to provide the logs by February 6. Ex. F. We have no idea whether there will be further delays.

News Plaintiffs have already been materially prejudiced by Microsoft's repeated delays in producing its output logs. Each additional day of delay causes further prejudice. Once these logs are produced News Plaintiffs will have to search through and analyze the millions of output logs, then, after that analysis is done, ask questions of Microsoft's witnesses with respect to those logs, and consider any follow up with Microsoft regarding possible deficiencies in the production of those logs. Fact discovery closes February 27, and opening expert reports are due April 10, 2026. News Plaintiffs have been seeking these logs for over a year and a half, and there is no excuse for further delay.

Respectfully submitted,

/s/ Steven Lieberman
Steven Lieberman
Rothwell, Figg, Ernst & Manbeck P.C.
Counsel for The New York Times
and *Daily News* Plaintiffs

/s/ Ian Crosby
Ian Crosby
Susman Godfrey LLP
Counsel for The New York Times

/s/ Matthew Topic
Matthew Topic
Loevy & Loevy
Counsel for The Center for
Investigative Reporting

cc: All Counsel of Record (via ECF)