UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This Document Relates To: *NYT v. Microsoft et al.*, No. 23-cv-11195	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang

STIPULATION AND ~~[PROPOSED]~~ ORDER REGARDING AUTHENTICITY OF AND FOUNDATION FOR CERTAIN MATERIALS

WHEREAS, Defendant Microsoft Corporation and Defendants OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OPCO LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC (collectively, "Defendants") sought the depositions of Kevin Roose and Andrew Ross Sorkin, employees of Plaintiff The New York Times Company ("The Times", and together with Defendants, "the Parties");

WHEREAS, The Times objected to the depositions of Roose and Sorkin;

WHEREAS, in the interests of efficiency, The Times and Defendants have agreed to enter into a stipulation regarding the authenticity of certain materials created by The Times that include statements by Roose and Sorkin;

NOW, THEREFORE, IT IS HEREBY STIPULATION AND AGREED by the Parties that:

1. The following podcast episodes and interviews, along with their corresponding transcriptions, are authentic and satisfy the requirements for identification or authentication of the materials under Federal Rule of Evidence 901:

i) "ChatGPT Transforms a Classroom. And Is 'M3GAN' Real?", *Hard Fork* podcast (January 13, 2023)

ii) "Bard Fork, and How to Talk So Chatbots Will Listen", *Hard Fork* podcast (March 24, 2023)

iii) "Is A.I. Already Taking Jobs? + A Filmmaker Tries Sora + The XZ Backdoor Caper", *Hard Fork* podcast (April 5, 2024)

iv) "Crypto Congress + HBD ChatGPT + What Social Media Platform Should I Be On?", *Hard Fork* podcast (November 15, 2024)

v) "Trump's Next Online Speech Cop + Doctors vs. ChatGPT + Hard Fork Crimes Division", *Hard Fork* podcast (November 22, 2024)

vi) "Sam Altman on the Future of A.I. and Society", interview by Andrew Ross Sorkin at the DealBook Summit (December 20, 2024)

vii) "The Musketeers Take Washington + Spotify's Ghost Music + Tool Time", *Hard Fork* podcast (February 7, 2025)

viii) "Bad Apple, the Rise of the AI Empire and Italian Brainrot," *Hard Fork* podcast (May 9, 2025)

2. Duplicates of the materials to which this stipulation applies are admissible to the same extent as their originals under Federal Rule of Evidence 1003.

3. Except with respect to the specific agreements referenced above, all other objections are preserved with respect to the admissibility of said materials.

4. Defendants reserve the right to seek to call Roose and Sorkin as witnesses at trial.

5. The Times reserves the right to object to Defendants calling Roose and/or Sorkin at trial.

Dated: February 5, 2026

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[1] All parties whose electronic signatures are included herein have consented to the filing of this document.

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IT IS SO ORDERED.

Dated: March 7, 2026

HONORABLE ONA T. WANG
United States Magistrate Judge