**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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| IN RE:<br>OPENAI, INC.,<br>COPYRIGHT INFRINGEMENT LITIGATION<br>This Document Relates To:<br>All Cases | 25-md-3143 (SHS) (OTW)<br>**[JOINT PROPOSED] ORDER REGARDING *DAUBERT* BRIEFING AND SUMMARY JUDGMENT BRIEFING IN NEWS CASES** |

Plaintiffs and Defendants, through their respective counsel of record, hereby submit this proposed order regarding word limits for summary judgment briefing on the News Plaintiffs'[1] claims; and regarding a modification to the schedule for briefing *Daubert* motions.

Whereas, pursuant to this Court's March 23, 2026 Order (Dkt. 1337), expert discovery is set to close on August 3, and motions for summary judgment and *Daubert* motions are due September 4, 2026; oppositions to motions for summary judgment and *Daubert* motions are due October 9, 2026; and replies in support of motions for summary judgment and *Daubert* motions are due November 6, 2026;

Whereas, the parties have been diligently taking expert depositions, but due to difficulty in scheduling more than 40 expert depositions, the parties have agreed that five specific depositions[2] may be taken beyond the August 3 expert discovery cutoff, to be completed by August 13;

[1] News Plaintiffs include The New York Times ("The Times"), Daily News Plaintiffs, the Center for Investigative Reporting ("CIR"), the Intercept, and Ziff Davis Plaintiffs. Plaintiffs in the Class Cases have a dispute with Defendants regarding summary judgment briefing length which is being submitted to the Court in a simultaneously filed Joint Letter.

[2] The five depositions to be completed after August 3 by August 13 are: Taylor Berg-Kirkpartrick, John Lafferty, Jonathan Krein, Timothy Wu, and Sarah Bird.

Whereas, given the number of issues and the number of parties involved, News Plaintiffs and Defendants have agreed to enlargements of the default word limits for their summary judgment briefs;

Whereas, News Plaintiffs and Defendants have agreed to the following word limits in connection with News Plaintiffs' anticipated motions for summary judgment and Defendants' motions for summary judgment directed toward News Plaintiffs' claims:

- Opening Briefs: 15,000 words for Microsoft; 15,000 words for OpenAI; 30,000 total words for News Plaintiffs, divided as they see fit
- Opposition Briefs: 30,000 total words for Defendants, divided as they see fit; 30,000 total words for News Plaintiffs, divided as they see fit
- Reply Briefs: 15,000 total words for Defendants, divided as they see fit; 15,000 total words for News Plaintiffs, divided as they see fit;

Whereas, News Plaintiffs' and Defendants' agreement concerning word limits applicable to summary judgment briefing is without prejudice to any party seeking additional words for opposition or reply briefs after seeing the opposing party's opening or opposition briefs;

Whereas, all Plaintiffs and all Defendants have agreed to a modification to the schedule governing *Daubert* briefing to allow for briefing on summary judgment and *Daubert* motions to be staggered;

Whereas, the parties have agreed to the following modifications to the schedule governing *Daubert* motions:

| **Event** | **Current Deadline** | **Agreed Amended Deadline** |
|---|---|---|
| *Daubert* motions | September 4, 2026 | September 24, 2026 |
| Oppositions to *Daubert* motions | October 9, 2026 | October 29, 2026 |
| Replies in support of *Daubert* motions | November 6, 2026 | December 3, 2026 |

IT IS HEREBY STIPULATED AND AGREED, by and between undersigned counsel for the parties, subject to approval of the Court, that:

1. The date to complete the expert depositions of Taylor Berg-Kirkpartrick, John Lafferty, Jonathan Krein, and Timothy Wu is extended to August 13, 2026. The parties are continuing to confer on a deposition date for Sarah Bird.
2. The following word limits shall govern News Plaintiffs' motions for summary judgment and Defendants' motions for summary judgment directed toward News Plaintiffs' claims:
    - Opening Briefs: 15,000 words for Microsoft; 15,000 words for OpenAI; 30,000 total words for News Plaintiffs, divided as they see fit
    - Opposition Briefs: 30,000 total words for Defendants, divided as they see fit; 30,000 total words for News Plaintiffs, divided as they see fit
    - Reply Briefs: 15,000 total words for Defendants, divided as they see fit; 15,000 total words for News Plaintiffs, divided as they see fit.
3. Nothing herein precludes any party from seeking leave to exceed the foregoing word limits for opposition or reply briefs.
4. The following amended deadlines shall govern all *Daubert* motions:
    - *Daubert* motions shall be filed by September 24, 2026;
    - Oppositions to *Daubert* motions shall be filed by October 29, 2026;
    - Replies in support of *Daubert* motions shall be filed by December 3, 2026.
5. Except as expressly set forth herein, nothing in this Order modifies any other deadline or order in this action.

**[PROPOSED] ORDER**
The foregoing Stipulation is SO ORDERED.

Dated: _____, 2026 New York, New York

Dated: July 31, 2026

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