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September 14, 2026

VIA ECF

Hon. Sidney H. Stein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *In Re: OpenAI, Inc., Copyright Infringement Litigation*, No. 1:25-md-3143-SHS-OTW, Dkt. 1939 & 1939-1. This document relates to the following Class Cases: Case No. 1:23-cv-08292, Case No. 1:23-cv-10211, and Case No. 26-cv-6966.

Dear Judge Stein:

Class Plaintiffs write in response to the *Bodie* Plaintiffs' request that their recently-filed case proceed now. *See* Dkt. 1939; 1939-1. The *Bodie* Action was filed more than three years after these cases began and more than a year after the MDL was formed. Unlike the 10 other actions that the Court stayed before it,[1] the *Bodie* Plaintiffs ask the Court to allow its case to proceed—all while the parties that have been litigating in this MDL for years are hard at work briefing summary judgment.

The *Bodie* Plaintiffs' brief contains a variety of misstatements, principally grievances about Interim Lead Counsel and the $1.5 billion *Bartz* settlement, where the *Bodie* Plaintiffs concede counsel here "achieved a remarkable result." *See* Dkt. 1939 at 7. None of the issues raised in the *Bodie* Plaintiffs' brief address anything that needs to be resolved or briefed now, during this extraordinarily busy and consequential period in this case. If there was urgency, the *Bodie* Plaintiffs would have acted sooner.

[1] *See, e.g.,* 26-cv-05320, 26-cv-03625, 26-cv-02097, 24-cv-00084, 25-cv-03297, 26-cv-07171, 26-cv-01947, 25-cv-09912, 25-cv-09904, 25-cv-06286.

The Court should summarily deny the *Bodie* Plaintiffs' request and stay the action, as it has in every other tag-along action. To the extent that the Court does not do so, Class Plaintiffs request the opportunity to file a complete response to the *Bodie* Plaintiffs' brief. Because the parties are in the midst of summary judgment briefing, Plaintiffs request until December 11, 2026 (i.e. after *Daubert* replies are due, *see* Dkt. 1664 at 2), so that these side-issues do not distract from briefing the important summary judgment issues in this case.

Sincerely,

/s/ Justin A. Nelson

Susman Godfrey, LLP
Interim Lead Class Counsel