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) **NEWS PLAINTIFFS' NOTICE OF ERRATA REGARDING SUMMARY JUDGMENT FILINGS**

Please take notice of the following errata to (A) News Plaintiffs' Rule 56.1 Statement in support of News Plaintiffs' Motion for Summary Judgment and (B) the Declaration of Davida Brook in Support of News Plaintiffs' Motion for Summary Judgment. News Plaintiffs are submitting revised versions of these two documents, as well as redlined versions reflecting the changes described below.

A. Rule 56.1 Statement ISO News Plaintiffs' Motion for Summary Judgment (Dkt. 1742, sealed; Dkt. 1730, public)

1. Minor descriptions were added to some paragraphs to clarify the exhibits referenced. *See, e.g.*, ¶ 754 (correcting the date of a document to be "September 30" instead of "September 20"); *see also* ¶¶ 6, 153, 474, 757, 765-67, 1307, 1712.

2. Revisions were made to paragraphs that mis-identified exhibit numbers. *See, e.g.*, ¶ 700 (noting that the Padma Gaggara deposition transcript is Exhibit 613, not Exhibit 612); *see also* ¶¶ 29, 234, 316, 320-27, 348, 349, 350-53, 358, 360, 474, 537-38, 557-58, 703, 706, 710, 825, 835, 921, 939, 957-58, 1000, 1049, 1058, 1071, 1074, 1106, 1109-10, 1124-25, 1133, 1136, 1201, 1205, 1207, 1210, 1250-51, 1307, 1444, 1458, 1467, 1478, 1479, 1505, 1524, 1541, 1548, 1549, 1572, 1629, 1643, 1718, 1736, 1754, 1755, 1772, 1777, 1798, 1806.

3. Revisions were made to paragraphs to add citations. *See* ¶¶ 970, 1077, 1182, 1183, 1238, 1240, 1248, 1249.

4. Footnote 4 on page 5 was updated to identify additional News Plaintiff experts whose reports were concurrently filed as exhibits to their own declarations.

5. No changes were made to the paragraph numbers in the Rule 56.1 statement.

B. Errata to the Declaration of Davida Brook ISO News Plaintiffs' Motion for Summary Judgment (Dkt. 1751)

1. Minor descriptions were added to some paragraphs to further describe the documents attached as exhibits. *See, e.g.*, ¶ 22[1] (clarifying that the deposition transcript attached as Exhibit 19 is a Rule 30(b)(1) deposition transcript); *see also* ¶¶ 8, 11, 21, 52, 60, 132-34, 234, 236-37, 250, 299, 328, 352, 370, 373, 400, 414, 416, 422, 425, 427, 431, 450, 455, 460, 461, 465, 471, 478, 487-89, 502-03, 505, 507, 512, 518, 520, 521-22, 529-30, 532, 560, 611, 613, 615, 631, 638, 646, 662, 664, 666-68, 670, 671, 674, 678-80, 686, 689, 691, 695, 697, 699, 701, 703, 705, 706, 707, 709, 711, 713, 715, 717, 719, 721, 723, 725, 729, 741, 748, 759, 761, 801-02, 842, 848, 856, 1000-01, 1015, 1027-28, 1037-40, 1047, 1056, 1074, 1082.

2. Revisions were made to some paragraphs to correct mistakes in how exhibits were described *See, e.g.*, ¶ 137 (noting that Exhibit 132 is the deposition transcript of Michelle Fradin, not Ilya Sutskever); *see also* ¶¶ 189, 249, 741, 879, 880, 1017.

3. Some paragraphs were deleted because those paragraphs identified the wrong documents as exhibits. *See* ¶¶ 13, 63-64.

4. Some paragraphs were revised to identify exhibits that were submitted to the Court via a hard drive. *See* ¶¶ 316, 323, 672, 767, 800, 864, 925-46, 1040-46, 1050, 1052-54, 1127.

[1] The cited paragraph numbers in this section of the Errata correspond with the paragraph numbers in the initial version of the Brook Declaration. *See* Dkt. 1751. The one exception is paragraph 5 of this section, for which the cited paragraph numbers correspond with the paragraph numbers in the new version of the Brook Declaration being filed with this Errata.

5. Some paragraphs were added to identify exhibits that were omitted from the initial version of the declaration. *See* ¶¶ 902, 1183, 1227, 1230-49.

6. Paragraphs were added and/or revised to clarify when exhibit numbers were intentionally skipped.

7. Attached to this errata are copies of exhibits to the Brook Declaration that were referenced in News Plaintiffs' Rule 56.1 statement but inadvertently omitted from News Plaintiffs' September 4, 2026 filings. These are Exhibits 48, 73, 144, 181, 216, 231, 324, 334, 335,371, 426, 433, 445, 456, 462, 491, 537, 544, 546, 558, 583, 604, 608, 610, 627, 655, 657, 664, 673, 691, 745, 771, 782, 787, 799, 801, 803, 805, 806, 807, 809, 815, 817, 819, 821, 823, 825, 827, 831, 833, 835, 837, 839, 841, 842, 847, 864, 865, 866, 867, 868, 869, 870, 871, 873, 874, 876, 878, 879, 880, 882, 884, 886, 888, 890, 891, 896, 898, 900, 911, 1045, 1053, 1054, 1055, 1057, 1119, 1126, 1149, 1154, 1157, 1158, 1159, 1167, 1168, 1206, 1214, 1229, 1250, 1253, 1254, 1255, 1256, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1267, 1268, 1269, 1270, 1271.

8. Defendants have had access to each of these exhibits, notwithstanding their omission from News Plaintiffs' September 4 filings, because these exhibits are comprised entirely of documents produced in this case, discovery responses served in this case, deposition transcripts, and public websites.

Dated: September 17, 2026

/s/ Davida Brook

Ian Crosby *(pro hac vice)*
Katherine M. Peaslee *(pro hac vice)*

Susman Godfrey L.L.P.
401 Union Street, Suite 3000
Seattle, WA 98101
Telephone: (206) 516-3880
Facsimile: (206) 516-3883
icrosby@susmangodfrey.com
kpeaslee@susmangodfrey.com

Davida Brook *(pro hac vice)*
Emily K. Cronin (*pro hac vice*)
Adnan Muttalib *(pro hac vice)*
Susman Godfrey L.L.P.
1900 Ave of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
dbrook@susmangodfrey.com
ecronin@susmangodfrey.com
amuttalib@susmangodfrey.com

Elisha Barron (5036850)
Zachary B. Savage (ZS2668)
Alexander Frawley (5564539)
Eudokia Spanos (5021381)
Susman Godfrey L.L.P.
One Manhattan West
New York, NY 10001
Telephone: (212) 336-8330
Facsimile: (212) 336-8340
ebarron@susmangodfrey.com
zsavage@susmangodfrey.com
afrawley@susmangodrey.com
espanos@susmangodfrey.com

Steven Lieberman (SL8687)
Jennifer B. Maisel (5096995)
Kristen J. Logan *(pro hac vice)*
Rothwell, Figg, Ernst & Manbeck, P.C.
901 New York Avenue, N.W., Suite 900 East
Washington, DC 20001
Telephone: (202) 783-6040

Facsimile: (202) 783 6031
slieberman@rothwellfigg.com
jmaisel@rothwellfigg.com
klogan@rothwellfigg.com

Attorneys for Plaintiff
The New York Times Company

/s/ Steven Lieberman

Steven Lieberman (SL8687)
Jennifer B. Maisel (5096995)
Robert Parker *(admitted pro hac vice)*
Jenny L. Colgate *(admitted pro hac vice)*
Alexandra Hughes *(admitted pro hac vice)*
Mark Rawls *(admitted pro hac vice)*
Michael H. Jones *(admitted pro hac vice)*
Kristen J. Logan *(admitted pro hac vice)*
Bryan B. Thompson (6004147)
Mary L. Mullins *(pending pro hac vice)*
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
901 New York Avenue, N.W., Suite 900 East
Washington, DC 20001
Telephone: (202) 783-6040
Facsimile: (202) 783-6031
slieberman@rothwellfigg.com
jmaisel@rothwellfigg.com
rparker@rothwellfigg.com
jcolgate@rothwellfigg.com
ahughes@rothwellfigg.com
mrawls@rothwellfigg.com
mjones@rothwellfigg.com
klogan@rothwellfigg.com
bthompson@rothwellfigg.com
mmullins@rothwellfigg.com

Attorneys for Daily News Plaintiffs

/s/ Matthew Topic

Jon Loevy (*pro hac vice*)
Michael Kanovitz (*pro hac vice*)
Matthew Topic (*pro hac vice*)
Thomas Kayes (*pro hac vice*)
Steven Art (*pro hac vice*)
Kyle Wallenberg (*pro hac vice*)
Shelley Geiszler *(pro hac vice*)
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900 (p)
312-243-5902 (f)
jon@loevy.com
mike@loevy.com
matt@loevy.com
kayes@loevy.com
steve@loevy.com
wallenberg@loevy.com
geiszler@loevy.com

Stephen Stich Match (No. 5567854)
Lauren Sonnenberg *(pro hac vice)*
LOEVY & LOEVY
222 Sutter Street, Suite 600A
San Francisco, CA 94108
(312) 243-5900
match@loevy.com
sonnenberg@loevy.com

Attorneys for Plaintiffs The Center for Investigative Reporting, Inc. and The Intercept Media, Inc.

/s/ Lacy H. Koonce, III
Lacy H. ("Lance") Koonce, III
Matthew A. Leish
Brendan Kehoe
Lucy Hoffman
Maya Katalan

Klaris Law PLLC
161 Water Street
New York, NY 10038
Telephone: (646) 779-4882
lance.koonce@klaris.com
matthew.leish@klarislaw.com
brendan.kehoe@klarislaw.com
lucy.hoffman@klarislaw.com
maya.katalan@klarislaw.com

Guy Ruttenberg (*pro hac vice*)
Ruttenberg IP Law, A Professional Corporation
1801 Century Park East
Suite 1920
Los Angeles, CA 90067
Telephone: (310) 627-2270
ZD-AICopyright@ruttenbergiplaw.com

Attorneys for Plaintiffs Ziff Davis, Inc., Ziff Davis, LLC, IGN Entertainment, Inc., Everyday Health Media, LLC, Mashable, Inc., and CNET Media, Inc.