UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:	:	
OPEN AI, INC., COPYRIGHT INFRINGEMENT LITIGATION	:	No. 25-md-31433 (SHS) (OTW)
This Document Relates To:	:	
THE NEW YORK TIMES COMPANY v. MICROSOFT CORPORATION, et al., No. 23-cv-11195	:	

DECLARATION OF MAILE YEATS-ROWE IN SUPPORT OF PLAINTIFFS' LETTER MOTION TO SEAL

I, Maile Yeats-Rowe, hereby declare as follows:

1. I am Senior Litigation Counsel at OpenAI. I submit this declaration in support of Plaintiffs' letter motion to seal (*MDL* ECF No. 170, *NYT* ECF No. 639). I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. I have been informed that because Plaintiffs' Response to OpenAI's June 6, 2025 Proposed Order Regarding Conversion Data Sampling and its supporting exhibits are not "judicial documents" under *Lugosch v. Pyramid Company of Onondaga,* 435 F.3d 100 (2d Cir. 2006), but rather discovery-related documents, the "presumption of access to these records is low." *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016); *see Brown v. Maxwell*, 929 F.3d 41, 50 (2d Cir. 2019); *Rand v. Travelers Indem. Co.,* No. 21-CV-10744 (VB)(VF), 2023 WL 4636614, at *2 (S.D.N.Y. July 19, 2023) (court not required to articulate compelling reasons to seal for material in non-dispositive motions).

3. I have been informed and understand that Plaintiffs moved to seal certain OpenAI confidential materials designated by OpenAI as "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY" pursuant to the News case's protective order. I submit this declaration in support of maintaining those under seal.

4. Based on my review, Exhibits A and B to Plaintiffs' Response to OpenAI's June 6, 2025 Proposed Order Regarding Conversion Data Sampling (MDL ECFs 171-1 and 171-2 and NYT ECFs 640-1 and 640-2, respectively) contains highly confidential internal filenames that warrant sealing. OpenAI treats such information as highly confidential, generally does not publicly disclose this type of information, and takes steps to protect its confidentiality, particularly because disclosure of this information could compromise OpenAI's internal safety and security measures.

5. OpenAI's request is narrowly tailored as OpenAI only seeks to redact selected portions of Exhibits A and B marked for redaction by Plaintiffs, and leaves the balance unredacted and open to the public.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of June 2025, in San Francisco, California.

Maile Yeats-Rowe Senior
Litigation Counsel
OpenAI