UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION, This Document Relates To: Case No. 1:23-cv-11195	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang

MEMORANDUM OF LAW IN SUPPORT OF MOTION BY MICHAEL MORITZ FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Michael Moritz respectfully moves this Court for leave to file the proposed accompanying amicus curiae brief in support of neither party.

INTEREST OF AMICUS CURIAE

Amicus curiae Michael Moritz is a technology investor, philanthropist, author, and former journalist. Over the past forty years, Mr. Moritz has invested in emerging technology companies and supported independent investigative journalism. As such, he is uniquely situated to recognize that the uncompensated appropriation of journalists' works by the companies developing large language models ("LLMs") both threatens the continued existence of investigative journalism and threatens to undermine the growth and sustainability of LLM technologies.

In the late 1970s and early to mid-1980s, Mr. Moritz worked as a correspondent and reporter for Time Magazine, serving as the magazine's San Francisco bureau chief. During these years, Mr. Moritz reported extensively on the emerging technology scene in Northern California, interviewing the founders and executives of foundational companies like Apple, Microsoft, Oracle, and Atari. In 1984, Mr. Moritz published the book *The Little Kingdom: The Private Story of Apple*

Computer, an enduring source of historical information about Apple founder Steve Jobs and the rise of the technology industry in Silicon Valley.[1]

Mr. Moritz's wife, Harriet Heyman, also has significant experience as a journalist. Early in her professional career, she worked as a writer, editor, and journalist on staff at the *New York Times* and LIFE magazine and published on a freelance basis for several national magazines. Ms. Heyman has published multiple short- and long-form works, including a fine-art book of essays and photography.

Following his years as a journalist, Mr. Moritz went on to be a successful technology investor. For over forty years, Mr. Moritz has played key investment roles and held board positions at prominent technology companies, including Google, Yahoo!, PayPal, LinkedIn, and Stripe. Entities controlled by Mr. Moritz have also invested directly in companies developing LLMs.

In 2000, Mr. Moritz and Ms. Heyman founded Crankstart, a San Francisco-based philanthropic foundation that funds education, economic mobility, housing affordability, parks and community spaces, and other community-fortifying causes. Since its creation, Crankstart has distributed over a billion dollars in grants to advance its central mission of encouraging social welfare and protecting civil rights. In furtherance of that mission, Crankstart has and supported independent investigative journalism, including significant funding for the independent, nonprofit investigative reporting outlet ProPublica.[2] In addition to providing financial support and advocacy

[1] Mr. Moritz also authored *Going for Broke: The Chrysler Story*, a business history book about the near-collapse of the Chrysler Corporation in the late 1970s, published in 1981, and *Ausländer: One Family's Story of Escape and Exile*, a family history and memoir, published in 2026.

[2] *See* ProPublica, "Grant Activity," *available at* https://www.influencewatch.org/non-profit/propublica/#grant-activity (listing sizable donations from the Crankstart Foundation in 2021, 2022, 2023, and 2024).

for journalists, Mr. Moritz and Ms. Heyman helped establish the news organization that has since become *The San Francisco Standard*.[3]

ARGUMENT

District courts have broad discretion in deciding to permit briefs from amici curiae. *United States v. Ahmed*, 788 F.Supp. 196, 198 n. 1 (S.D.N.Y.1992), *aff'd*, 980 F.2d 161 (2d Cir. 1992). "The usual rationale for *amicus curiae* submissions is that they are of aid to the court and offer insights not available from the parties." *United States v. El–Gabrowny*, 844 F.Supp. 955, 957 n.1 (S.D.N.Y.1994). "The primary role of the amicus is to assist the Court in reaching the right decision in a case affected with the interest of the general public." *Russell v. Bd. of Plumbing Exam'rs*, 74 F. Supp. 2d 349, 351 (S.D.N.Y. 1999), *aff'd on other grounds*, 1 F. App'x. 38 (2d Cir. 2001). This Court has already recognized that participation from amici curiae may be appropriate in this case in deciding parties' motions for summary judgment. Dkt. 1663.

Mr. Moritz submits that his proposed brief will offer a unique perspective in aid of the Court's consideration of the parties' summary judgment motions. The brief provides the perspective of an investor in technology and supporter of independent investigative journalism. The brief provides helpful insight into the essential functions that investigative journalism serves in a democratic society, particularly for local communities, as well as industry context regarding the business models of independent investigative journalists.

CONCLUSION

Amicus respectfully requests that the Court grant leave to file the accompanying amicus curiae brief.

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[3] The Standard Staff, "Jonathan Weber joins Here/Say Media as editor-in-chief" (Aug. 10, 2021), THE SAN FRANCISCO STANDARD, *available at* https://sfstandard.com/2021/08/10/jonathan-weber-joins-here-say-media-as-editor-in-chief.

Dated: October 30, 2026

Respectfully submitted,

By: /s/ Justin V. Arborn

Justin V. Arborn
HEISE SUAREZ MELVILLE, P.A.
3 International Drive
Suite 205
Rye Brook, New York 10573
jarborn@hsmpa.com
(305) 800-4476

Counsel for [Proposed] Amicus Curiae Michael Moritz