IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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

MEMORANDUM OF LAW IN SUPPORT OF MOTION BY REBUILD LOCAL NEWS, LOCAL INDEPENDENT ONLINE NEWS PUBLISHERS, THE NEWSGUILD-CWA, NATIONAL ASSOCIATION OF HISPANIC PUBLICATIONS, SOLUTIONS JOURNALISM NETWORK, AAN PUBLISHERS, INSTITUTE FOR RURAL JOURNALISM AND COMMUNITY ISSUES, AND THE SOCIETY OF PROFESSIONAL JOURNALISTS FOR LEAVE TO FILE AN AMICI CURIAE BRIEF IN SUPPORT OF CLASS PLAINTIFFS' AND NEWS PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT

Rebuild Local News, Local Independent Online News Publishers, The NewsGuild-CWA, National Association of Hispanic Publications, Solutions Journalism Network, AAN Publishers, Institute for Rural Journalism and Community Issues, and The Society of Professional Journalists respectfully move this Court for leave to file the proposed accompanying *amici curiae* brief in support of the Class Plaintiffs' and News Plaintiffs' Motions for Summary Judgment.

INTERESTS OF *AMICI CURIAE*

Rebuild Local News is a nonpartisan, non-profit that develops public policies to respond to the local news crisis. The Rebuild Local News Coalition includes 55 local news organizations that together represent 3,000 local news outlets and 15,000 journalists. Members include large and small publishers including for profits and nonprofits; labor and publishers; digital, broadcast, and print; ethnic media and rural weeklies; legacies and startups. The group is especially attentive to the needs and aspirations of small and medium-sized local publishers.

Founded in 2012, Local and Independent Online News Publishers is a nonprofit professional association committed to strengthening the local news industry by helping independent publishers build more sustainable businesses. The association has more than 450 members in 48 states, including 32 in New York (such as East End Beacon, Chalkbeat, and the Haitian Times).

The NewsGuild-CWA (the "Guild") is the largest union of journalists and media workers in North America, representing about 27,000 workers at 540 workplaces, including 21,000 media workers at 330 workplaces. These include newsrooms like The Atlantic, The New Yorker, The Marshall Project and ProPublica and local news outlets like the Miami Herald, the Idaho Statesman, Amsterdam News and New York Daily News. The Guild's members include reporters, columnists, copy editors, photojournalists, videographers, graphic designers, editorial cartoonists, and others. The Guild also represents workers in advertising, circulation, and business offices, as well as publishing house employees, language interpreters and translators, social justice workers, and the staff of nonprofit organizations. It is a sector of the Communications Workers of America, which is an affiliate of the AFL-CIO.

The National Association of Hispanic Publications, Inc. is a nonpartisan trade advocacy organization representing the leading Spanish language publications serving 41 markets in 39 states, the District of Columbia and Puerto Rico, with a combined circulation of over 23 million publications – from La Prensa De Houston to La Noticia Charlotte to El Diario in New York.

The Solutions Journalism Network ("SJN") is a non-profit, nonpartisan organization focused on advancing rigorous reporting about how people are trying to solve problems and what we can learn from their successes and failures. By adding rigorous coverage of solutions, journalists can tell the whole story. SJN has trained more than 120,000 journalists in solutions

journalism techniques including those at the New York's City Reporter, Amsterdam News, Haitian Times, Chronogram, and the Poughkeepsie Journal.

AAN Publishers ("AAN") is a 501(c)(6) organization representing over 110 news media organizations throughout North America. AAN is a big tent with a wide variety of publishers that all share certain attributes: an intense focus on local news, culture and the arts; an emphasis on point-of-view reporting and narrative journalism; respect for individual freedoms and social differences; and an eagerness to report on issues and communities that many mainstream media outlets ignore. AAN has members all over the country from the Baltimore Beat to the Santa Barbara Independent and the Chicago Reader to the San Antonio Current.

The Institute for Rural Journalism and Community Issues (the "Institute") helps sustain journalism in rural communities through information, expertise, training, outreach, and other programs. The Institute helps non-metropolitan journalists define the public agenda for their communities and grasp the local impact of broader issues; it also interprets rural issues for metro news media, conducts seminars, and publishes research and good examples of rural journalism.

The Society of Professional Journalists ("SPJ") is the nation's most broad-based journalism membership organization, dedicated to encouraging the free practice of journalism and upholding high ethical standards. Founded in 1909 as Sigma Delta Chi, SPJ champions journalists by recognizing outstanding achievement, protecting press freedom, promoting ethics and preparing new generations of professionals. With more than 4,000 active members nationwide, SPJ has local chapters across the country.

Amici have a strong interest in preserving the ability of local and small news publications to continue to operate through protection of their copyrights and a proper interpretation of the fair use doctrine.[1]

RELEVANT BACKGROUND

Recognizing that *amicus curiae* participation may be appropriate in this case, this Court entered an order providing for certain procedures for the filing of *amicus curiae* briefs in connection with the parties' motions for summary judgment. *See* Aug. 7, 2026 Order (Dkt. No. 1663). Pursuant to the order, non-parties seeking to file an *amicus curiae* brief must file a motion seeking leave and attach the proposed brief. *Id*. On September 24, 2026, the Court extended the deadline to file any such *amicus curiae* briefs until October 30, 2026. *See* Sep. 24, 2026 Order (Dkt. No. 2409).

ARGUMENT

District courts have "broad discretion" in deciding whether to permit an *amicus* brief. *Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J.*, No. 11 CIV. 6746 RJH, 2011 WL 5865296, at *2 (S.D.N.Y. Nov. 22, 2011) (citing cases); *accord City of New York v. United States*, 971 F. Supp. 789, 791 n.3 (S.D.N.Y. 1997), *aff'd on other grounds*, 179 F.3d 29 (2d Cir. 1999). "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 Examiners of Cnty. of Westchester*, 74 F. Supp. 2d 349, 351 (S.D.N.Y. 1999), *aff'd*, 1 F. App'x 38 (2d Cir. 2001). A court should normally allow an amicus brief "when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." C & A Carbone, Inc. v.

[1] No party or its counsel authored the proposed amici curiae brief in whole or in part or contributed money toward the preparation or submission of the brief.

Cnty. of Rockland, No. 08-CV-6459-ER, 2014 WL 1202699, at *3 (S.D.N.Y. Mar. 24, 2014) (quoting *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1063 (7th Cir. 1997)).

Here, *amici's* proposed brief offers a unique perspective to aid the Court's consideration of the fair use doctrine as to the defendants' reproductions of copyrighted works to train generative AI models. The brief provides helpful background and industry context, applicable to small and medium sized publications who are often the only local sources of news in their communities. The brief explains the challenges that their members have faced in recent years and the likely impact of this case upon the *amici*.

CONCLUSION

Amici respectfully request that the Court grant leave to file the accompanying *amici curiae* brief.

Dated: October 30, 2026
New York, New York

Respectfully submitted,

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CERTIFICATE OF WORD COUNT COMPLIANCE

In accordance with Local Civil Rule 7.1(c) and the Court's August 7, 2026 Order (Dkt. No. 1663, No. 25-md-3143), I certify that the foregoing memorandum of law contains 1,123 words, including footnotes but exclusive of the caption page, certificates, and signature block. The basis of my knowledge is the word count feature of the word-processing system used to prepare this brief.

s/ Anastasia Cembrovska
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