Exhibit A

From:	Rodriguez, Fernanda
To:	Alex Frawley; "newsplaintiffs-service@simplelists.susmangodfrey.com"
Cc:	Holden Benon; "#NewYorkTimes-Microsoft-FDBR"; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI; OpenAICopyright; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com)
Subject:	RE: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206
Date:	Tuesday, February 3, 2026 7:48:06 PM
Attachments:	image001.png

Hi Alex,

Thank you. Please confirm that the News Plaintiffs will revise their chart insert accordingly and send the revised position tonight.

Best,
Fernanda

Fernanda Rodriguez
Associate
frodriguez@mofo.com
T: +1 (212) 336-4113

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250 West 55th Street
New York, NY 10019-9601

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From: Alex Frawley <AFrawley@susmangodfrey.com>
Sent: Tuesday, February 3, 2026 6:38 PM
To: Rodriguez, Fernanda <FRodriguez@mofo.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: RE: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

External Email

Hi Fernanda:
On the metrics issue, your email on Friday said “six” Custom GPTs, not “seven”, which is why I asked a simple clarification question on Friday. Thank you for confirming that part of the dispute is

resolved.
On the output log issue, we remain at an impasse.
Best,
Alex

From: Rodriguez, Fernanda <FRodriguez@mofo.com>
Sent: Tuesday, February 3, 2026 3:35 PM
To: Alex Frawley <AFrawley@susmangodfrey.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: RE: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

EXTERNAL Email
Hi Alex,

Following up on the below.

Best,
Fernanda

Fernanda Rodriguez
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frodriguez@mofo.com
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From: Rodriguez, Fernanda
Sent: Tuesday, February 3, 2026 10:48 AM
To: 'Alex Frawley' <AFrawley@susmangodfrey.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team

(openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: RE: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

Hi Alex,

Yes, the metrics would cover the seven GPTs, which is why it is unclear why News Plaintiffs proceeded to motion practice without engaging in a good-faith conferral process, contrary to the Court's rules and guidance.

As for the output-log issue, we reiterate that there is nothing distinct about Custom GPT output logs that would warrant motion practice or additional relief. News Plaintiffs are already fully aware of OpenAI's output retention practices based on the parties' extensive meet-and-confer discussions regarding user data and sampling, during which Plaintiffs had ample opportunity to raise any questions about Custom GPT output log data. In light of this, a verified interrogatory response on this issue is unnecessary and duplicative of all the discovery already provided to Plaintiffs.

Best,
Fernanda

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From: Alex Frawley <AFrawley@susmangodfrey.com>
Sent: Tuesday, February 3, 2026 8:49 AM
To: Rodriguez, Fernanda <FRodriguez@mofo.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: RE: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

External Email

Hi Fernanda,
If you can confirm that the productions will encompass all 7 Custom GPTs referenced in the motion, then yes.
As for the output log part, what is OpenAI's position on our request for a verified interrogatory response confirming the same information you provide below?

From: Rodriguez, Fernanda <FRodriguez@mofo.com>
Sent: Monday, February 2, 2026 11:14 PM
To: Alex Frawley <AFrawley@susmangodfrey.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: Re: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

EXTERNAL Email
Hi Alex,

We were in the process of confirming your questions, but before we were able to respond, Plaintiffs proceeded to file the motion.

Yes, the metrics will include daily active users, weekly active users, monthly active users, and aggregate conversation counts. In light of this, will News Plaintiffs agree to withdraw the metrics portion of their motion?

Best,
Fernanda

Fernanda Rodriguez

Associate

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From: Alex Frawley <AFrawley@susmangodfrey.com>
Sent: Monday, February 2, 2026 9:24:18 PM
To: Rodriguez, Fernanda <FRodriguez@mofo.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com <NewYorkTimes_Microsoft_OHS@orrick.com>; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: RE: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

External Email

Hi Fernanda,

The reason we had to move on the metrics issue is because no one responded to my email (attached) where I asked a few clarification questions to confirm the parties had reached agreement. Your email below still does not include the answer to this question from my email: Can you also confirm the metrics will include: daily active user data, daily weekly user data, daily monthly user data, and number of conversation data?

As for output log issue, thank you confirming that OpenAI maintains output logs for Custom GPTs. Will OpenAI agree to provide that confirmation and the below information in a verified interrogatory response, as we requested in the motion? An email from counsel will not suffice to resolve the dispute.

Best,
Alex

From: Rodriguez, Fernanda <FRodriguez@mofo.com>
Sent: Monday, February 2, 2026 6:48 PM
To: 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: Alex Frawley <AFrawley@susmangodfrey.com>; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; '#NewYorkTimes-Microsoft-FDBR' <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS@orrick.com; KVP-OAI <kvpoai@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>
Subject: In re OpenAI Inc - MDL News Plaintiffs Motion to Compel ECF 1206

EXTERNAL Email

Counsel,

We are in receipt of Plaintiffs Motion to Compel ECF 1206.

We are confused by News Plaintiffs' decision to move on issues that OpenAI had already agreed to resolve without Court intervention. As you know, on January 30, OpenAI expressly agreed to produce engagement metrics at the GPT level for the custom GPTs you identified. Given that agreement, it is unclear why News Plaintiffs proceeded to move on the metrics issue at all.

With respect to the remaining issue that appears to be implicated by the motion—whether OpenAI maintains custom GPT output log data—we confirm that OpenAI treats custom GPT output log data identically to ChatGPT output log data. You are already fully aware of OpenAI's output retention practices based on the parties' extensive meet-and-confer discussions regarding user data and sampling (during which Plaintiffs had ample opportunity to ask about Custom GPT output logging and retention practices). There is nothing distinct about custom GPT output logs that would warrant motion practice or additional relief.

To be clear: OpenAI maintains that Plaintiffs' recent request for Custom GPT engagement metrics are a new and untimely discovery request, and that Plaintiffs' inquiries about Custom GPT output log retention fall outside of the scope of Mr. Ramchandani's designated 30(b)(6) topics, but we have made this offer and clarification in a good faith effort to avoid burden the court with unnecessary disputes.

In light of OpenAI's agreement to produce the requested metrics and confirmation regarding custom GPT output log data, please confirm that you will withdraw your motion, as there is no live dispute for the Court to resolve.

We look forward to your prompt response.

Best,

Fernanda

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