UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAI BIRD, JONATHAN ALTER, MARY BLY, VICTOR LAVALLE, EUGENE LINDEN, DANIEL OKRENT, HAMPTON SIDES, JIA TOLENTINO, RACHEL VAIL, SIMON WINCHESTER, AND ELOISA JAMES, INC., individually and on behalf of others similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

ECF CASE
25-md-3143 (SHS) and
No. 1:25-cv-05282-SHS

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER TO STAY PROCEEDINGS

The Parties through their respective counsel of record stipulate, subject to approval by the Court, to a stay of all proceedings in the above-captioned action (the "Action") until the resolution of dispositive motions in *In re OpenAI, Inc. Copyright Infringement Litigation* (Case No. 1:25-md-03143) ("MDL"). The Parties agree that good cause exists for such a stay, and in support of this stipulation state as follows:

WHEREAS, on November 30, 2023, this Court entered an order, ECF No. 36, in *Authors Guild et al. v. OpenAI, Inc. et al.* (No. 1:23-cv-08292-SHS), stating discovery commenced on November 6, 2023. On January 22, 2024, *Authors Guild et al. v. OpenAI, Inc. et al.* (No. 1:23-cv-08292-SHS) was consolidated with *Alter et al. v. OpenAI, Inc. et al.* (No. 1:23-cv-10211-SHS) for pre-trial purposes (collectively, "Consolidated SDNY Class Cases").

WHEREAS, on April 3, 2025, the United States Judicial Panel on Multidistrict Litigation entered a transfer order, ECF No. 1 in the MDL (1:25-md-03143-SHS-OTW), centralizing the Consolidated SDNY Class Cases and ten other proceedings in the Northern District of California and the Southern District of New York. The actions were transferred to the

Southern District of New York and assigned to this Court.

WHEREAS, on June 20, 2025, this Court entered an order, ECF No. 238, in the MDL, setting the deadline for dispositive motions on August 14, 2026; setting the deadline for responses to dispositive motions on September 18, 2026; and setting the deadline for replies to dispositive motions on October 16, 2026.

WHEREAS, on June 25, 2025, this Action, *Bird et al v. Microsoft Corporation* (No. 1:25-cv-05282) was filed in the Southern District of New York.

WHEREAS, both this Action and the MDL involve allegations concerning the use of copyrighted literary works to train large language models ("LLMs"), raising potentially overlapping issues. *See* No. 1:25-cv-05282-SHS, Dkt. No. 3 at 2 (Plaintiffs' Statement of Relatedness).

WHEREAS, on July 2, 2025, this Action was accepted as related to the MDL.

WHEREAS, the forthcoming rulings in the MDL may address questions that overlap with questions presented in this action, and thus may inform and streamline the resolution of similar issues in this Action;

WHEREAS, all but one of the named Plaintiffs in this Action were originally named Plaintiffs in the Consolidated SDNY Class Cases,[1] and all Named Plaintiffs in this Action are part of the class as defined in the MDL such that coordinating the resolution of common issues in the MDL will streamline this litigation and may narrow or resolve the claims asserted here;

WHEREAS, a stay of this Action will promote judicial economy and consistency, which will be of finite duration and will allow the Court and Parties to proceed more efficiently;

WHEREAS, judicial comity, and the principles underlying 28 U.S.C. §1407, support

[1] Eloisa James, Inc., while not previously named, is a loan-out company owned by Mary Bly, a previously named Plaintiff.

deference to the MDL proceedings where the Court has been tasked with resolving common factual and legal issues among overlapping cases;

NOW, THEREFORE, in consideration of the foregoing, which are incorporated into this Stipulation, the Parties hereby stipulate and agree, subject to the Court's approval, as follows:

1. All proceedings and deadlines in the above-captioned Action are hereby stayed until the MDL court has ruled on any dispositive motions filed in the MDL pursuant to the schedule set in 1:25-md-03143-SHS-OTW ECF No. 238 or any amendment thereto.

2. Within 30 days of rulings on such dispositive motion(s) in the MDL, the Parties shall file a joint status report in this Action to propose a case management conference and any appropriate further proceedings in light of the MDL decision.

3. While this stay is in effect, any party may move to lift the stay for good cause shown. Nothing in this stipulation shall preclude a Party from seeking such relief, if necessary, or from seeking any other appropriate relief from the Court.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Honorable Sidney H. Stein
United States District Judge

Dated: September 5, 2025

By: */s/ Justin Nelson*

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Dated: September 5, 2025

By: */s/ Annette Hurst*

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Attorneys for Defendant Microsoft Corporation

Dated: New York, New York
September 9, 2025

SO ORDERED:

Sidney H. Stein, U.S.D.J.