From: Floyd G. Short (via NewsPlaintiffs-Service list)
To: Briant, Jared B.
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon; Klaris Law Ziff Davis; KVP-OAI; OpenAICopyright; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS; #Microsoft NY Class Action FDBR
Subject: RE: Deposition time for Microsoft witnesses
Date: Friday, January 30, 2026 9:17:48 PM

EXTERNAL Email

Jared,

Thank you for the meet and confer earlier today and your counterproposal, but it is not sufficient for us to fairly examine the remaining Microsoft witnesses, so we will proceed with our motion.

Best regards,
Floyd

Floyd G. Short
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From: Briant, Jared B. <jared.briant@faegredrinker.com>
Sent: Friday, January 30, 2026 4:39 PM
To: Floyd G. Short <fshort@SusmanGodfrey.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS <NYClassActions_Microsoft_OHS@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

EXTERNAL Email

Floyd –

I am writing to follow up on our meet and confer this morning regarding Plaintiffs' request for more deposition time from Microsoft witnesses.

From the outset, these cases were about the training of OpenAI's LLMs with books for the Class (as well as Microsoft's relationship with OpenAI as it relates to the training of OpenAI's LLMs), and

retrieval augmented generation for the News. Since that time, Plaintiffs have focused the case on Microsoft's Bing Index and spent many hours on this topic with Microsoft 30(b)(6) witnesses, despite the fact that the Bing Index is not even referenced anywhere in the pleadings. Microsoft structured its 30(b)(6) notice to comport with the negotiated limits in the DPO. Plaintiffs did not, and now Plaintiffs are faced with a problem of their own making with respect to Microsoft 30(b)(6) deposition time.

We will agree to a reallocation of 10 hours from Plaintiffs' remaining 30(b)(1) time to 30(b)(6) time with Microsoft. As it is, this will give Plaintiffs 50 hours of Microsoft 30(b)(6) time, exclusive of the 7 hours on New Copilot and 2 hours for the Natasha Crampton designation. This is double the 30(b)(6) time that was negotiated in the DPO and more than the 30(b)(6) time that Plaintiffs currently have with OpenAI.

These requests for additional time need to come to an end. We remain willing to consider Plaintiffs' proposal to reallocate more 30(b)(1) hours, but the only circumstances under which we will consider doing so is in exchange for complete finality on all of these deposition issues, for all time. Let us know If you want to discuss further.

Thank you,

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From: Floyd G. Short <fshort@SusmanGodfrey.com>
Sent: Friday, January 30, 2026 8:24 AM
To: Briant, Jared B. <jared.briant@faegredrinker.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS <NYClassActions_Microsoft_OHS@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

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Thank you, Jared.

From: Briant, Jared B. <jared.briant@faegredrinker.com>
Sent: Friday, January 30, 2026 7:11 AM
To: Floyd G. Short <fshort@SusmanGodfrey.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS <NYClassActions_Microsoft_OHS@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

EXTERNAL Email

Floyd – In advance of our call, below is a chart identifying the Microsoft's current remaining Rule 30(b)(6) designations, exclusive of the two topics relating to the New Consumer Copilot product.

Designee	Topics
Geraldine Russell	News 56, 57, 115(f), Licenses underlying Microsoft's express license defense
Jon Tinter	News 1(c) (as to JDCA terms/negotiations), 1(g), 2(a), 2(b), 2(g), 2(h), 2(i), 2(j), 2(k), 5, 88, 91, 109, 119(e)-(f) Class 2, 17 (as to JDCA terms/negotiations), 18 (as to JDCA terms/negotiations), 19 (as to JDCA terms/negotiations), 20 (as to JDCA terms/negotiations), 44 (as to projections), 45, 46
Jordan Usdan	News 12, 13B(a)-(d) & 13(f)-(h) & (l)-(n) (all subparts as to Microsoft did not acquire data), 14(a)-(d) &(f)-(j). 14(k) (as to Microsoft did not acquire), 29, 39 (as to agreements), 42, 45, 47, 63, 65, 103, 112, 115(a)-(e) & 115(g) Class 33, 34 (as to agreements), 35, 36, 42, 43
Umesh Madan	Class 52, 53 (as to 01/07/2019 meeting)
Sarah Bird	News 53, 59, 62, 106 Class 37
Katie Griffith	News 13B(o), 114, 119(a)-(d) Class 44 (as to profits and revenue)
Natasha Crampton	News 1(a) (as to the Joint DSB), 2(f), 72, 73, 89(a)-(d)

	Class 27, 31 (as to regurgitation)

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From: Floyd G. Short <fshort@SusmanGodfrey.com>
Sent: Thursday, January 29, 2026 8:20 PM
To: Briant, Jared B. <jared.briant@faegredrinker.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS <NYClassActions_Microsoft_OHS@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

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Thank you, Jared. Let's talk at 8 am PT tomorrow. Will you circulate a calendar appt.?

After conferring with Class and reviewing your chart, our estimate of 30b6 time used is virtually the same as yours, so at least we agree on the time count. In order to have an effective and efficient meet and confer it would be helpful to see the updated chart of your remaining 30b6 designations. Can you please provide that before the call?

Also, there is a separate email string in which News Plaintiffs have proposed an additional 20 hours of deposition time overall for Microsoft witnesses; I don't believe any Microsoft counsel has responded to that yet, but it's closely related, so let's meet and confer on that issue at the same time tomorrow.

Best regards,
Floyd

From: Briant, Jared B. <jared.briant@faegredrinker.com>
Sent: Thursday, January 29, 2026 7:02 PM
To: Floyd G. Short <fshort@SusmanGodfrey.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS <NYClassActions_Microsoft_OHS@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

EXTERNAL Email

Floyd – Below is our count of Plaintiffs' 30(b)(6) time with Microsoft witnesses. I can talk at 8am PT if that works for you or someone on Plaintiffs' team, otherwise I can discuss after the Vargas deposition. Please circulate Plaintiff's count of 30(b)(6) hours to date with Microsoft witnesses.

Witness	30(b)(6) Hours
Dee Templeton	8.5
Elbio Abib	2.5
Fabrice Canel	5.6
Jamie Huynh	7.3
Luke Melton	1.6
Mike Wetter	1.9
Padma Gaggara	8.9
Sathish Manivannan	3.5
Xia Song	1.6

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From: Briant, Jared B.
Sent: Thursday, January 29, 2026 6:42 PM
To: 'Floyd G. Short' <fshort@SusmanGodfrey.com>
Cc: newsplaintiffs-service@simplelists.susmangodfrey.com; Holden Benon <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <OpenAICopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com; NYClassActions_Microsoft_OHS <NYClassActions_Microsoft_OHS@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

I will be in a deposition tomorrow morning so can't talk then. Send us plaintiffs' current time chart and we can do the same to compare.

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Subject: Re: Deposition time for Microsoft witnesses

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Thanks, Jared. Given that tomorrow is the deadline for the next round of motions we had better talk earlier in the day Can you do it in the morning Pacific time, preferably before 10 am PT? And can you send us the updated 30b6 designations in advance so we have a clear idea what is remaining and can figure out how much time we need?

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On Jan 29, 2026, at 3:10 PM, Briant, Jared B. <jared.briant@faegredrinker.com> wrote:

EXTERNAL Email

Let's plan to discuss and compare lists of time counts tomorrow afternoon. Does 3pm PT work for you or someone on your team?

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From: Floyd G. Short <fshort@SusmanGodfrey.com>
Sent: Thursday, January 29, 2026 2:23 PM
To: Briant, Jared B. <jared.briant@faegredrinker.com>; 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>
Cc: KVP-OAI <kvpoai@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; Latham OpenAI Copyright Team <openaicopyrightlitigation.lwteam@lw.com>; NYClassActions_Microsoft_OHS <nyclassactions_microsoft_ohs@orrick.com>; #Microsoft NY Class Action FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>
Subject: RE: Deposition time for Microsoft witnesses

This Message originated outside your organization.

Jared,

Our time count is significantly lower than yours. Could you send a list that breaks down your time count by deposition so we can figure out the discrepancies?

Thank you,
Floyd

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From: Briant, Jared B. <jared.briant@faegredrinker.com>
Sent: Thursday, January 29, 2026 10:22 AM
To: 'newsplaintiffs-service@simplelists.susmangodfrey.com' <newsplaintiffs-service@simplelists.susmangodfrey.com>; Holden Benon <oai-ndca-sdny@simplelists.susmangodfrey.com>; Klaris Law Ziff Davis <ziffdavis@klarislaw.com>
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Subject: Deposition time for Microsoft witnesses

EXTERNAL Email
Counsel –

Plaintiffs have exceeded the total Rule 30(b)(6) deposition time for Microsoft witnesses allowed under the Deposition Protocol Order. The DPO allowed Plaintiffs a maximum of 25 total hours of 30(b)(6) deposition time, (ECF 355 §1.d), and on December 30, Plaintiffs requested an additional 15 hours of 30(b)(6) time which Microsoft agreed to the next day. The only other additions or exceptions are the 7 hours we agreed to for the two witnesses who will testify on New Consumer Copilot, and the DSB issue where the designation was withdrawn from Dee Templeton and moved to Natasha Crampton. Ms. Hurst offered to meet and confer about that but you have not yet responded. In our view, 2 hours is more than reasonable to address the DSB issue.

Excluding the specific exceptions noted above, as of the conclusion of yesterday's depositions, Plaintiffs have exceeded their maximum total Rule 30(b)(6) deposition time for Microsoft witnesses, with more than 41 hours on the record of 30(b)(6) deposition time. We assume Plaintiffs will now want to reallocate some of the remaining 30(b)(1) time to 30(b)(6) time, given the remaining 30(b)(6) topics and upcoming 30(b)(6) depositions on the calendar.

We are willing to discuss an additional reallocation of 30(b)(1) time to 30(b)(6) time, but need to have a plan in place before next week's depositions, which include at least one that has been noticed as a 30(b)(6) deposition. To that end, we are available to confer either this afternoon or Friday afternoon from 4-6pm ET to discuss a plan for reallocation. Let us know what time works for you.

Thanks,

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