EXHIBIT 3

Subject: Re: Chris Hallacy's Deposition
Date: Sunday, September 28, 2025 at 5:19:12 PM Pacific Daylight Time
From: Justin A. Nelson
To: Thomas E. Gorman, Jordan Connors, Rohit Nath
CC: Nicholas Loaiza, Bilal Malik, oai-ndca-sdny@simplelists.susmangodfrey.com, newsplaintiffs-service@simplelists.susmangodfrey.com, KVP-OAI, OpenAICopyright, openaicopyrightlitigation.lwteam@lw.com, #NewYorkTimes-Microsoft-FDBR, NewYorkTimes_Microsoft_OHS

Sorry but no. These answers are not sufficient. They do not come close to answering in full the questions I posed. And your attempt to delay the deposition in light of your own failure to produce documents is inappropriate. If you produce documents late, you bear the risk of another deposition. We have too many depositions to plan around and schedule. We are past both a substantial completion deadline and the deadline prior to a deposition. We built in these deadlines for a reason and all sides should know that late-produced documents only mean a second deposition where we will ask for relief from time limits.

I am also confused by your answer. Are you saying that you have just discovered relevant information related to LibGen that has not been produced and that you just discovered it on Friday evening? What specifically is the "one item" you are referring to? Where was it located? What does it contain in full? Why did it just come to your attention on Friday? Please fully answer these questions and my original questions.

We plan on proceeding on Tuesday.

Thanks.

Justin

From: Thomas E. Gorman <TGorman@keker.com>
Sent: Sunday, September 28, 2025 6:48 PM
To: Justin A. Nelson <jnelson@SusmanGodfrey.com>; Jordan Connors <jconnors@SusmanGodfrey.com>; Rohit Nath <RNath@susmangodfrey.com>
Cc: Nicholas Loaiza <NLoaiza@susmangodfrey.com>; Bilal Malik <BMalik@keker.com>; oai-ndca-sdny@simplelists.susmangodfrey.com <oai-ndca-sdny@simplelists.susmangodfrey.com>; newsplaintiffs-service@simplelists.susmangodfrey.com <newsplaintiffs-service@simplelists.susmangodfrey.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
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EXTERNAL Email

Justin—

It isn't a global issue. It applies to one item that first came to light on Friday evening. On Saturday, we decided we would likely produce and I immediately notified you of the need to reschedule. I don't want to misrepresent the contents, because I haven't put eyes on it, yet, but it could contain 2019 data related to Library Genesis. If you don't plan to depose Mr. Hallacy on that subject, that would obviously simplify things. Otherwise, let me try to get the files out quickly and we'll reschedule the deposition.

Thanks,

--Tom

From: Justin A. Nelson <jnelson@SusmanGodfrey.com>
Date: Sunday, September 28, 2025 at 2:52 PM
To: Thomas E. Gorman <TGorman@keker.com>, Jordan Connors <jconnors@SusmanGodfrey.com>, Rohit Nath <RNath@susmangodfrey.com>
Cc: Nicholas Loaiza <NLoaiza@susmangodfrey.com>, Bilal Malik <BMalik@keker.com>, oai-ndca-sdny@simplelists.susmangodfrey.com <oai-ndca-sdny@simplelists.susmangodfrey.com>, newsplaintiffs-service@simplelists.susmangodfrey.com <newsplaintiffs-service@simplelists.susmangodfrey.com>, KVP-OAI <KVPOAI@keker.com>, OpenAICopyright <openaicopyright@mofo.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>, NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
Subject: Re: Chris Hallacy's Deposition

[EXTERNAL]

So that we can evaluate, please let us know in detail the following this evening:

1. What did you discover was missing?
2. When did you discover they were missing?
3. Why were they not collected originally?
4. What is the scope of the production?
5. Does this same issue exist for other custodians?

For now, please assume that we will be moving forward with Mr. Hallacy's deposition and we reserve the right to take Mr. Hallacy's deposition again, given OpenAI's failure to produce these documents.

Thanks.

Justin

From: Thomas E. Gorman <TGorman@keker.com>
Sent: Sunday, September 28, 2025 3:59:19 PM
To: Jordan Connors <jconnors@SusmanGodfrey.com>; Rohit Nath <RNath@susmangodfrey.com>
Cc: Nicholas Loaiza <NLoaiza@susmangodfrey.com>; Bilal Malik <BMalik@keker.com>; oai-ndca-sdny@simplelists.susmangodfrey.com <oai-ndca-sdny@simplelists.susmangodfrey.com>; newsplaintiffs-service@simplelists.susmangodfrey.com <newsplaintiffs-service@simplelists.susmangodfrey.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
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EXTERNAL Email
Jordan—

We identified some additional materials for review and potential protection and it's in everyone's best interests if we accomplish that before the deposition, not after. If you want to proceed, please let me know and I'll see what we can do. But obviously we won't be putting Mr. Hallacy up for deposition again.

Thanks,

--Tom

From: Jordan Connors <jconnors@SusmanGodfrey.com>
Date: Sunday, September 28, 2025 at 8:25 AM
To: Rohit Nath <RNath@susmangodfrey.com>, Thomas E. Gorman <TGorman@keker.com>
Cc: Nicholas Loaiza <NLoaiza@susmangodfrey.com>, Bilal Malik <BMalik@keker.com>, oai-ndca-sdny@simplelists.susmangodfrey.com <oai-ndca-sdny@simplelists.susmangodfrey.com>, newsplaintiffs-service@simplelists.susmangodfrey.com <newsplaintiffs-service@simplelists.susmangodfrey.com>, KVP-OAI <KVPOAI@keker.com>, OpenAICopyright <openaicopyright@mofo.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>, NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
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[EXTERNAL]

Counsel,

We plan to go forward with this deposition as scheduled. If you provide us more information about the reasons for the last-minute cancellation, we may reconsider. But it's not appropriate to take a longstanding deposition off calendar for no legitimate reason.

Kind regards,
Jordan

Jordan W Connors
Partner | SUSMAN GODFREY LLP
(O) 206-516-3814 | (C) 646-413-0743 | JConnors@SusmanGodfrey.com

From: Rohit Nath <RNath@susmangodfrey.com>
Date: Saturday, September 27, 2025 at 5:33 PM
To: Thomas E. Gorman <TGorman@keker.com>
Cc: Nicholas Loaiza <NLoaiza@susmangodfrey.com>, Bilal Malik <BMalik@keker.com>, OAI-NDCA-SDNY@simplelists.susmangodfrey.com <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>, newsplaintiffs-service@simplelists.susmangodfrey.com <newsplaintiffs-service@simplelists.susmangodfrey.com>, KVP-OAI <KVPOAI@keker.com>, OpenAICopyright <openaicopyright@mofo.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>, NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
Subject: Re: Chris Hallacy's Deposition

EXTERNAL Email
Thanks, what's the reason for the last minute cancellation?

Sent from my iPhone

> On Sep 27, 2025, at 5:06 PM, Thomas E. Gorman <TGorman@keker.com> wrote:
>
> EXTERNAL Email
> Counsel—
>
> I am afraid we will need to reschedule Chris Hallacy's deposition. We'll share alternative dates as soon as possible, but wanted to provide notice quickly to those who may have been planning to attend next week.

Thanks,

--Tom

From: Nicholas Loaiza <NLoaiza@susmangodfrey.com>
Date: Friday, September 26, 2025 at 4:02 PM
To: Bilal Malik <BMalik@keker.com>, OAI-NDCA-SDNY@simplelists.susmangodfrey.com <OAI-NDCA-SDNY@simplelists.susmangodfrey.com>, NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: KVP-OAI <KVPOAI@keker.com>, OpenAICopyright <openaicopyright@mofo.com>, Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>, #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>, NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
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[EXTERNAL]

Counsel,

The court reporter and videographer are Christa Yan and Kenneth Lauguico.

Regards,

Nicholas Loaiza | Paralegal
Susman Godfrey L.L.P.
email: nloaiza@susmangodfrey.com
address: 1900 Avenue of the Stars, Suite 1400 – Los Angeles, CA 90067
office: (310) 789-3119 | **mobile:** (818) 602-7400

From: Nicholas Loaiza
Sent: Thursday, September 25, 2025 10:54 AM
To: 'Bilal Malik' <BMalik@keker.com>; OAI-NDCA-SDNY@simplelists.susmangodfrey.com; NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com> <newsplaintiffs-service@simplelists.susmangodfrey.com>
Cc: KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>

Subject: RE: Chris Hallacy's Deposition

Counsel,

Jordan Connors from Class Plaintiffs and Stephen Stich Match from News Plaintiffs will attend in person; they have no dietary restrictions. Other News Plaintiffs' counsel will attend remotely. I will follow up with the names of the court reporter and videographer as soon as possible.

Additionally, Plaintiffs noticed a second day of deposition for October 1st and expect it to be necessary.

Please find below the Zoom details.

ZOOM

602146 - Chris Hallacy - OpenAI, Inc. Copyright Infringement Litigation, In re: - 9/30/2025 - 9:00AM PT

Meeting Link: https://planet-depos.zoom.us/j/98841980830

Meeting ID: 988 4198 0830
Passcode: 541381

Call in #: 301 715 8592
Meeting ID: 988 4198 0830
Passcode: 541381

Real Time Stream

www.caseviewnet.com
Session: 6EFLJ3
Password:602146

Regards,

Nicholas Loaiza | Paralegal
Susman Godfrey L.L.P.
email: nloaiza@susmangodfrey.com
address: 1900 Avenue of the Stars, Suite 1400 – Los Angeles, CA 90067
office: (310) 789-3119 | **mobile:** (818) 602-7400

From: Bilal Malik <BMalik@keker.com>
Sent: Wednesday, September 24, 2025 9:39 AM
To: OAI-NDCA-SDNY@simplelists.susmangodfrey.com; NewsPlaintiffs-Service list <newsplaintiffs-service@simplelists.susmangodfrey.com> <newsplaintiffs-

service@simplelists.susmangodfrey.com>
Cc: KVP-OAI <KVPOAI@keker.com>; OpenAICopyright <openaicopyright@mofo.com>; Latham OpenAI Copyright Team (openaicopyrightlitigation.lwteam@lw.com) <openaicopyrightlitigation.lwteam@lw.com>; #NewYorkTimes-Microsoft-FDBR <newyorktimes-microsoft-fdbr@faegredrinker.com>; NewYorkTimes_Microsoft_OHS <newyorktimes_microsoft_ohs@orrick.com>
Subject: Chris Hallacy's Deposition

EXTERNAL Email

Counsel,

Chris Hallacy's deposition will take place on Tuesday, September 30, beginning at 9:00 a.m., at Keker, Van Nest & Peters (633 Battery Street, San Francisco, CA 94111-1809). Please provide no later than Thursday, September 25 the names of any counsel who will be attending in-person, the names of the court reporter and videographer, and any dietary restrictions so that we may let our building staff know and order lunch. If any counsel will be attending remotely, please identify them and provide the Zoom link by Thursday, too. Thank you.

Best,
Bilal

Bilal Malik
Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111-1890
415 676 2204 direct | 415 391 5400 main