UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: OPENAI, INC., COPYRIGHT INFRINGEMENT LITIGATION This Document Relates To: ZIFF DAVIS, INC. et al v. OPENAI, INC. et al., No. 1:25-cv-04315	25-md-3143 (SHS) (OTW) Hon. Sidney H. Stein Hon. Ona T. Wang

DECLARATION OF ANDREW S. BRUNS IN SUPPORT OF DEFENDANTS' MOTION TO STAY

I, Andrew S. Bruns, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at Keker, Van Nest & Peters LLP, located at 633 Battery Street, San Francisco, California 94111, which represents OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, and OpenAI Holdings, LLC (together, "Defendants") in the above-captioned litigation. I submit this declaration in support of Defendants' Motion to Stay Plaintiffs Ziff Davis, Inc., Ziff Davis, LLC, IGN Entertainment, Inc. Everyday Health Media, LLC, Mashable, Inc., and CNET Media, Inc's First Amended Complaint.

2. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness thereto, could do so competently under oath.

3. During a meet-and-confer on December 12, 2025, counsel for Ziff Davis stated for the first time that it would be unable to meet the February 27 fact discovery cutoff.

4. During a meet-and-confer on December 16, 2025, counsel for Ziff Davis proposed a revised schedule involving (1) a three-month extension to the close of fact discovery, (2) an exchange of "supplemental" expert reports on the same date that other parties to the MDL will serve reply expert reports, and (3) an exchange of rebuttal expert reports 21 days later, with no opportunity for reply expert reports. The dates that correspond to this proposal are: May 27, 2026 for the close of fact discovery; June 5, 2026 for the exchange of initial expert reports; and June 26, 2026 for the exchange of rebuttal reports.

5. Attached hereto as **Exhibit A** is a true and correct copy of an August 22, 2025 email from Ziff Davis counsel Lance Koonce to Evan McIntyre, counsel for OpenAI.

6. Attached hereto as **Exhibit B** is a true and correct copy of an October 24, 2025 email from Ziff Davis counsel Matthew Leish to OpenAI.

7. Attached hereto as **Exhibit C** is a true and correct copy of a December 17, 2025 email from Ziff Davis counsel Matthew Leish to Kelly Hernandez, counsel for OpenAI.

8. Attached hereto as **Exhibit D** is a true and correct copy of a November 25, 2025 email from OpenAI counsel Andrew S. Bruns to Ziff Davis.

9. Attached hereto as **Exhibit E** is a true and correct copy of a December 19, 2025 email from Ziff Davis counsel Guy Ruttenberg to Daniel Nguyen, counsel for OpenAI.

10. Attached hereto as **Exhibit F** is a true and correct copy of a December 15, 2025 email from Ziff Davis counsel Lance Koonce to Daniel Nguyen, counsel for OpenAI.

11. Attached hereto as **Exhibit G** is a true and correct copy of a December 16, 2025 email from Ziff Davis counsel Guy Ruttenberg to Daniel Nguyen, counsel for OpenAI.

12. Attached hereto as **Exhibit H** is a true and correct copy of a December 9, 2025 email from OpenAI counsel Evan McIntyre to Gili Karev, counsel for Ziff Davis.

13. Attached hereto as **Exhibit I** is a true and correct copy of a December 18, 2025 email from OpenAI counsel Daniel Nguyen to Guy Ruttenberg, counsel for Ziff Davis.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 19, 2025 in San Francisco, CA.

By: */s/Andrew S. Bruns*
Andrew S. Bruns