

EXHIBIT 2

Deposition Coordination Proposal Chart

	Agreed Upon Provisions	Disputed Provisions	
		Plaintiffs' Position	Defendants' Position
Scope of Coordination	Applies to all <i>MDL Cases</i>		
Plaintiff Side Allotted Hours	<p><i>Class Cases:</i></p> <p>100 hours of depositions of MSFT witness</p> <p><i>News Cases:</i></p> <p>112 hours of depositions of MSFT witness</p> <p>Former employees are included as part of these caps.</p> <p>Additional maximum of 50 hours of non-party (and non-former employee) witnesses to be taken by Class Plaintiffs and 64 hours of non-party (and non-former employee) witnesses to be taken by News Plaintiffs.</p>	<p><i>Class Cases:</i></p> <p>105 hours of depositions of OAI witnesses are exclusive of witnesses deposited prior to entry of the MDL order.</p> <p><i>News Cases:</i></p> <p>150 hours of depositions of OAI witnesses</p>	<p><i>Class Cases:</i></p> <p>105 hours of depositions of OAI witnesses, inclusive of OAI witnesses deposited prior to entry of the MDL order.</p> <p><i>News Cases:</i></p> <p>112 hours of depositions of OAI witnesses</p>
Defendant Side Allotted Hours	<p><i>Class Cases:</i></p> <p>180 hours of Class named Plaintiffs, based on the current number of named plaintiffs. To the extent that the number of named plaintiffs is reduced or increased, these limits would be</p>		

	<p>reduced or increased by 3.5 hours per each witness added or removed.</p> <p><i>News Cases:</i> 112 hours of depositions of NYT witnesses 100 hours of depositions of NYDN witnesses 70 hours of depositions of CIR witnesses 70 hours of depositions of Intercept witnesses 70 hours of depositions of Ziff-Davis witnesses [Presumptive 70 hours of deposition of EACH ADDITIONAL NEWS PLAINTIFF GROUP]</p> <p>Former employees are included as part of these caps.</p> <p>Additional maximum 50 hours of non-party (and non-former employee) witnesses to be taken by Defendants in each of Class and News cases.</p>		
<p>Per-Witness Time (30(b)(1))</p>	<p><i>For MSFT and OAI: 11 hours</i> if noticed in both News and Class cases; otherwise, standard 7-hour limit.</p> <p>For 30(b)(1) witnesses also designated as 30(b)(6) witnesses the parties will confer in good faith to negotiate a total amount of deposition time for each witness; there is not a presumption that the</p>		

	<p>any witnesses will be subject to 7 additional hours for 30(b)(6) testimony on top of the cap set forth above.</p> <p>For former employees and third-party depositions where the witness is outside the subpoena of the Court such that the deposition is being taken for trial purposes, the parties will negotiate in good faith on a witness-by-witness basis.</p> <p>The Parties note that for former employee witnesses and third-parties, the Parties' agreement on total time is subject to the witnesses' assent.</p>		
<p>30(b)(6) Notices</p>	<p>The Parties will provide consolidated draft 30(b)(6) notices prior to the commencement of depositions of the party receiving the notice, with the specific timing to be addressed in the context of the schedule. News Plaintiffs will serve a consolidated notice on each of OAI and MSFT. Class will serve a consolidated notices on each of OAI and MSFT. Defendants will serve a consolidated notice on each Plaintiff party.</p>		
<p>30(b)(6) Time</p>	<p>30(b)(6) time is included in overall allocated hours</p>		

	<p>cap for each Party set forth above.</p> <p>Total time for 30(b)(6) deposition is as follows: Minimum of 17 hours (assuming good faith need for those minimum hours) and maximum of 25 hours for MSFT, NYT, CIR, Intercept, and Ziff Davis; NYDN will be subject to a cap of 44 hours of deposition time of NYDN witnesses 30(b)(6) deposition notice.</p>	<p>OAI will be subject to a maximum of 32 hours.</p> <p>Author’s Guild and any other Plaintiff entity will be subject to a cap of 7 hours of deposition time.</p>	<p>OAI will be subject to a maximum of 25 hours.</p> <p>Author’s Guild and any other Plaintiff entity will be subject to a minimum of 17 hours (assuming good faith need for those minimum hours) and maximum of 25 hours</p>
<p>Document Production</p>		<p>Production of custodial documents 14 days prior to a witness’s deposition and, for 30(B)(6) witnesses, production of document responsive to the topic in question 14 days prior to the designated witness’s deposition.</p>	<p><i>All Cases:</i> Each party’s document production will be substantially complete before depositions of that party commence. Depositions will not occur until after the deadline for substantial completion of document production absent agreement of the parties, with no party being bound to do so.</p>
<p>Production and Use of Deposition Transcripts</p>	<p>All deposition transcripts taken pursuant to this deposition protocol will be provided to the opposing parties in all cases that are part of the MDL, with the following exceptions for MSFT, Ziff Davis and the Intercept: deposition transcripts of MSFT depositions taken pursuant to this deposition protocol will be provided in the cases that are part of the MDL and to which</p>		

	<p>MSFT is a party. Other parties to this MDL seeking to obtain those MSFT transcripts may do so through standard means, all objections by MSFT reserved. And, Ziff Davis and Intercept will not be required to provide deposition transcripts of their witness to MSFT. MSFT may seek to obtain those transcripts through standard means, all objections reserved.</p>	<p>Depositions taken pursuant to this deposition protocol can be used in any of the cases in which the deponent's current or former employer is a party. Parties seeking to use depositions in cases in which the deponent is not a party may do so through standard means, all objections reserved.</p>	<p>Deposition transcripts received by a party pursuant to this deposition protocol may be used in any of the cases that are part of the MDL.</p>
<p>Notice of Depositions</p>	<p>All Parties agree to negotiate a deposition scheduling protocol to ensure compliance with the Federal Rules and so all parties receive proper notice of any upcoming deposition.</p> <p>All deposition subpoenas will be served on all Parties simultaneously with service on the witness, including that MSFT will receive notice of all depositions</p>		

	<p>subpoenaed in any case to which it is not a party if joined or cross-noticed by any Plaintiff in a case in which MSFT is a party.</p>		
<p>Cross-Production</p>	<p>All documents produced to any party by OAI or third parties pursuant to requests or subpoenas in cases that are part of this MDL will be cross-produced to all parties in the MDL, following entry of an omnibus protective order and subject to the terms of that protective order.</p> <p>All documents produced to any party by MSFT or pursuant to requests or subpoenas in cases that are part of this MDL will be cross-produced to all parties in the cases in the MDL to which MSFT is a party, following entry of an omnibus protective order and subject to the terms of that protective order. MSFT documents produced in cases to which MSFT is a party may be shared with counsel to parties' for those cases to which MSFT is not a party and may be used in the context of – and solely in the context of – good faith use necessary to the taking of coordinated depositions on common issues subject to the protections of the</p>		

	<p>omnibus protective order. This agreement is not intended to permit wholesale cross-production, but rather allow for the sharing of deposition preparation materials reasonably and in good faith expected to be used at the deposition and nothing in this provision should be construed to allow a party to use or rely on in any non-Microsoft case of any Microsoft document that was not produced in that case.</p>		
<p>Reservation of Rights</p>	<p>All Parties reserve the right to move the Court for additional deposition time beyond these limits for good cause shown.</p> <p>All objections are reserved, including but not limited to objections that depositions may be unnecessary, irrelevant, or duplicative.</p> <p>Standard rules and procedures for apex witnesses will govern and be individually addressed, including whether the witness qualifies as an apex witness.</p>		