

EXHIBIT A

Exhibit A (Class Chart)

Key: Green represents Plaintiffs' filing; Purple represents Defendants' filing.

Motion	Date Filed	Opp.	Topic in Dispute	Moving Party	Responding Party	Status	Parties' Positions
I. Motions Filed During Week of October 13							
Dkt. 659 (Sealed Filing)	10/15/25	Dkt. 671 (Public Filing)	Motion for Further Hallacy Deposition and to Compel Response to Additional Interrogatories	Class Plaintiffs	OpenAI	Class Plaintiffs and OpenAI have submitted letter briefing and the Court has not yet heard argument.	<p>Class Plaintiffs' Position: OpenAI has been wrongfully withholding their file of copied LibGen books, the "LibGen Test File," in discovery since 2024. OpenAI's late production of the LibGen Test File on October 8, together with other late disclosures, constitute good cause to serve an interrogatory asking OpenAI to identify the LibGen data they acquired, created, and deleted.</p> <p>OpenAI's Position: Plaintiffs are not seeking leave to serve "an" interrogatory. They propose two, which have a combined 38 discrete subparts, and which are unduly burdensome and an improper attempt at a belated discovery do-over.</p> <p>There's no good cause for that. OpenAI did not "wrongfully withhold" the data in question, which comprise data artifacts that were never used to train any models. The data was produced on October 8 to avoid potential disputes over <i>new</i> discovery requests Plaintiffs served in August 2025 and to preempt any possible request for a duplicative, second deposition. But the old discovery requests that Plaintiffs rely on in their motion – and each of Plaintiffs' first ten complaints for the two years before they filed their consolidated complaint in June 2025 – were all focused on <i>training datasets</i>, which these data artifacts are not.</p> <p>In addition to lacking good cause to serve discovery after the Scheduling Order's deadline to do so, Plaintiffs' motion fails to make the required "particularized showing" to justify exceeding FRCP 33(a)(1) 25-interrogatory limit, and it does not demonstrate that these contention interrogatories are a more practical method of obtaining the information sought than RFPs or depositions, in violation of Local Rule 33.3.</p>
Dkt. 660 (Public Filing)		Dkt. 671-1 (Public Filing)					
		Dkt. 671-2 (Public Filing)					
		Dkt. 671-3 (Public Filing)					
Dkt. 662 (Sealed Filing)	10/15/25	Dkt. 682 (Public Filing)	Motion to Compel Compliance with Court's Order and Seeking <i>In</i>	Class Plaintiffs	OpenAI	The dispute is fully briefed and the Court has not yet	<p>Class Plaintiffs' Position: The Court's October 1, 2025 Order held that "the majority of the documents assessed <i>in camera</i> are not privileged in whole or in part." Dkt. 618 at 14. Both parties understood that the Court reviewed a representative sample of documents in camera and that the Court's Order would provide guidance on the parties' assertions of privilege writ large. <i>See</i> 8/13/25 Hearing Tr. 145:17-19. Though the issues the Court identified in its October 1 order plague hundreds of documents on OpenAI's logs,</p>
Dkt. 663		Dkt. 687					

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(Public Filing)		(Public Filing) Dkt. 689 (Sealed Filing) Dkt. 689-1 (Sealed Filing) Dkt. 689-2 (Sealed Filing) Dkt. 689-3 (Sealed Filing) Dkt. 689-4 (Sealed Filing) Dkt. 689-5 (Sealed Filing)	<i>Camera Review</i>			heard argument.	<p>OpenAI has refused to affirmatively re-review its privilege assertions in light of the Court’s Order. Because OpenAI improperly seeks to shift the burden to identify entries implicated by the Court’s Order to Plaintiffs, Plaintiffs seek an order compelling OpenAI to affirmatively re-review all withheld and redacted documents and to produce an amended log and any downgraded documents by November 10, 2025.</p> <p>Plaintiffs also seek <i>in camera review</i> of seven clawbacks. OpenAI’s descriptions of these documents are only vague ipse dixit, and OpenAI has failed to demonstrate that these documents have a predominately legal purpose. <i>See</i> Dkt. 618 at 4-5.</p> <p>OpenAI’s Position: OpenAI has produced every document it was ordered to produce in the Court’s October 1, 2025 Order and offered to re-review additional documents. Rather than engage in a meaningful conferral, Plaintiffs filed a premature motion seeking blanket re-review of <i>every</i> entry on OpenAI’s privilege log, including types of documents the Order does not address. That approach is unnecessary, overly burdensome, and disproportionate because it would require a costly and time-consuming re-review of thousands of documents Plaintiffs have never challenged, were not at issue in the Order, and/or are unquestionably privileged..</p> <p>To avoid further burdening the Court or derailing the case schedule, OpenAI respectfully asks the Court to adopt OpenAI’s re-review proposal, involving re-review of the categories of documents on which the Court ruled and employing sampling. OpenAI’s proposal involves re-review of documents from roughly 900 log entries (about 34%), which is sufficient to comply with the Order and feasible to complete without impacting the case schedule.</p> <p>Finally, Plaintiffs seek <i>in camera review</i> of seven documents, but <i>all</i> of them are privileged under the Court’s recent privilege rulings. Plaintiffs lack a factual basis adequate to support a good faith belief that the documents are not privileged, and <i>in camera review</i> is therefore inappropriate.</p>

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II. Pending Motions							
Tremblay Dkts. 388 , 389 , 390 , 391 , 405-406	3/13/25; 3/19/25	Tremblay Dkts. 419 , 420 , 421 , 422 , 434	Pending Rule 72 motions	Class Plaintiffs	OpenAI	Pending before Judge Stein	Joint Position: The parties write only to update the Court and are not requesting any relief from Your Honor at this time. On May 27, 2025, the Court ordered the parties to meet and confer regarding Plaintiffs' Rule 72 motions filed in the N.D. Cal. action. The parties met and conferred and agree that, as a procedural matter, the motions may be ruled on by Judge Stein, but were not able to reach resolution of the substantive issues. With respect to the substantive issues, consistent with Class Plaintiffs' compromise proposal, Class Plaintiffs intend by forthcoming letter to withdraw the Rule 72 objections at Dkts. 390/391 and 405/406 (unsealed/sealed), and Class Plaintiffs will request that Judge Stein decide the remaining Rule 72 motion at Dkt. 388/389 based on the parties' prior briefing in the N.D. Cal. action. OpenAI will not object to that request.
Dkt. 479 (Sealed Filing) Dkt. 481 (Public Filing) Dkt. 616 (Sealed Filing) Dkt. 617 (Public Filing)	8/22/25	Dkt. 504 (Sealed Filing) Dkt. 505 (Public Filing)	Privilege over reasons for removal of Books1 and Books2 datasets	Class Plaintiffs	OpenAI	Class Plaintiffs and OpenAI have previously submitted letter briefing and competing timelines	Class Plaintiffs' Position: As set forth in Class Plaintiffs' timeline, Dkt. 479, and in prior briefing, Dkt. 368 in 23-cv-8292, Dkt. 413 in 25-md-3143, OpenAI's shifting positions regarding the reasons for the deletion of books1/books2, inconsistent and unjustified invocations of privilege, and misrepresentations to the Court regarding the same justifies finding a waiver of privilege, limiting OpenAI's ability to contest any statement Plaintiffs may make regarding the reasons for this deletion, and/or the application of the crime-fraud exception to privilege. At the Court's request, Plaintiffs filed an additional letter brief on OpenAI's waiver of privilege on October 1. OpenAI's Position: OpenAI has not waived privilege. Ever since Plaintiffs first raised this issue in January 2025, OpenAI has been consistent: the reasons for the removal of the Books1 and Books2 datasets are privileged. There has been no "flip flopping" because OpenAI has never attempted to rely on the advice of counsel in this case (and has made clear that it will not do so in the future) and has never wielded privilege as a sword and shield. Waiver would require a finding that OpenAI has put privileged communications regarding the reasons for the removal at issue by relying on them to support a claim or defense. There is no evidence that OpenAI has put privileged communications regarding the removal of the Books1 and Books2 datasets at issue to support a claim or defense. Rather, it is <i>Plaintiffs</i> who are attempting to put the privileged communications at

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<p>Dkt. 546 (Sealed filing)</p> <p>Dkt. 547 (Public filing)</p>	<p>9/9/25</p>	<p>Dkt. 587 (Sealed Filing)</p> <p>Dkt. 588 (Public Filing)</p>	<p>Microsoft’s refusal to make data available for inspection</p>	<p>Class Plaintiffs</p>	<p>Microsoft</p>	<p>Class Plaintiffs and Microsoft have previously submitted letter briefing and the Court has heard oral argument.</p>	<p>Class Plaintiffs’ Position: Plaintiffs seek to compel Microsoft to produce or make available for inspection the Bing Index. The letter motion is based on information that was revealed at a Court-ordered Rule 30(b)(6) deposition of Microsoft following Plaintiffs’ first data inspection motion (<i>Authors Guild</i> Dkt. 377). The contents of that deposition, which are described in Plaintiffs’ motion, make clear that the Bing Index is central to the direct infringement claim and contributory infringement claim as well as willfulness against Microsoft, and Microsoft should not be permitted to continue to shield it from discovery. Microsoft’s opposition fails to properly address those arguments. Given the confidentiality of the request, Plaintiffs respectfully refer the Court to Plaintiffs’ sealed filing at Dkt. 546.¹</p> <p>Microsoft’s Position: Class Plaintiffs’ request to inspect the Bing Index or any portion of thereof, should be denied. The Bing Index was not used to train any of the models at issue in this case, and Microsoft did not withhold documents or discovery regarding provision of Bing Index data to OpenAI. Even if historical versions of the Bing Index were somehow relevant, because it is a dynamic search index and not a training dataset, inspecting the Bing Index as it stands today in 2025 is not a proxy for understanding material provided to OpenAI in the past.</p>

¹ Microsoft has designated the entire 30(b)(6) deposition transcript CONFIDENTIAL - ATTORNEYS EYES ONLY, so Plaintiffs are not permitted to describe what that transcript revealed in a public filing, even though Microsoft has done so extensively. Class Plaintiffs asked, and Microsoft de-designated relevant parts of the transcript prior to the discovery hearing so that both sides were able to discuss the contents of that deposition during the hearing.