

January 23, 2026

In re OpenAI, Inc., Copyright Infringement Litigation, 25-md-3143 (SHS) (OTW)
This Document Relates To: All Actions

Dear Magistrate Judge Wang:

News and Class Plaintiffs respectfully seek clarification concerning the Court's ruling on Plaintiffs' motion to compel production of deposition transcripts and two memos from *Musk v. Altman*, No. 4-24-cv-4722 (N.D. Cal.). *See* Dkt. 1043 at 3 (Plaintiffs' motion to compel); Dkt. 1170 (the Court's January 16, 2026 Order).

Plaintiffs' motion to compel requested production of two things: (A) two memos prepared by former OpenAI Chief Scientist, Ilya Sutskever, which were produced by Mr. Sutskever to OpenAI in the *Musk* case, and (B): all deposition transcripts from the *Musk* case for OpenAI witnesses sitting for deposition in that case as well as this one, including Mr. Sutskever's deposition transcript.

At the January 15 hearing, this Court ordered OpenAI to produce the two memos drafted by Mr. Sutskever, as well as Mr. Sutskever's deposition transcript from the *Musk* case:

THE COURT: All right. Well, then, that is what I'm going to order. Deposition transcript and memos to be produced under attorneys' eyes only designation.

Ex. 1 at 239:20-22. The Court also clarified it was only ordering production of the two memos and Mr. Sutskever's deposition transcript, not the remaining deposition transcripts.

THE COURT: Sutskever and memos, attorneys' eyes only designation produced. If there's more and you can't work it out, I guess we'll have to talk about it in February.

Ex. 1 at 240:3-5; *see also id.* at 240:19-21 ("You now have an order from me for Ilya Sutskever material as well as his non-objection so long as it's produced under AEO.").

Plaintiffs seek clarification because the Court's post-hearing order could be read to suggest that OpenAI need not produce the two memos drafted by Mr. Sutskever, nor his deposition transcript. *See* Dkt. 1170 at 3 ("The production of transcripts and memos is DENIED as premature, given the recent release of public materials in *Musk*."). The now-public materials from *Musk* do *not* include the two memos drafted by Mr. Sutskever, which is why that dispute remained ripe for the January 15 hearing. Relatedly, the public materials include only limited portions of Mr. Sutskever's deposition transcript, which is why Plaintiffs sought production of the full transcript before his scheduled February 24 deposition in this case.

Plaintiffs respectfully ask the Court to clarify that OpenAI should produce the two memos drafted by Mr. Sutskever and his full deposition transcript from the *Musk* case, consistent with the Court's ruling from the bench at the January 15 conference. Because one of these memos addressed concerns about Mr. Brockman, whose deposition is scheduled for next week, January 29, Plaintiffs request prompt production.

Respectfully,

/s/ Davida Brook

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cc: All Counsel of Record (via ECF)