UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

OPENAI, INC.,

COPYRIGHT INFRINGEMENT LITIGATION

This Document Relates To:

News Cases

1:23-cv-11195-SHS-OTW
1:24-cv-01515-SHS-OTW
1:24-cv-03285-SHS-OTW
1:24-cv-04872-SHS-OTW
1:25-cv-04315-SHS-OTW

25-md-3143 (SHS) (OTW)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

News Plaintiffs[1] elected not to seek summary judgment on the grounding and output claims they assert against defendant OpenAI, Inc. in their Motion for Partial Summary Judgment because, they contend, the issue is "not ripe for determination against OpenAI until the resolution" of the pending sanctions motion. (News Plaintiffs' Motion for Partial Summary Judgment, Dkt. No. 1728, at 3 n.1.) The pending sanctions motion alleges, *inter alia*, that OpenAI misrepresented its ability to search its training datasets for News Plaintiffs' articles and obstructed the ChatGPT output log sampling process. (News Plaintiffs' Motion for Sanctions, Dkt. No. 1618, at 4.) Relevant here, News Plaintiffs request in their motion for sanctions that the Court preclude OpenAI from relying on the 20 million conversations log in its motion for summary judgment and find that the ChatGPT output logs include "substantial and systematic grounding on and regurgitation of News Plaintiffs' copyrighted material in outputs." (*Id.*)

OpenAI waited until its opposition brief to raise News Plaintiffs' failure to bring these two claims. In that brief, OpenAI asserts that News Plaintiffs do not seek summary judgment on OpenAI's "web browsing" feature. (OpenAI's Opposition to News Plaintiffs' Motion for Partial Summary Judgment, Dkt. No. 2216, at 1–2.) OpenAI

[1] News Plaintiffs include The New York Times ("The Times"), Daily News Plaintiffs, the Center for Investigative Reporting ("CIR"), the Intercept, and Ziff Davis Plaintiffs.

writes, "News Plaintiffs never sought court approval for this approach and it ignores the Court's deadlines." (*Id.* at 2 n.2.)

The Court agrees that News Plaintiffs did not request permission to delay their grounding and output claims until after the resolution of the pending sanctions motion. Nor did the Court approve this approach *sua sponte*. However, the Court will not go so far, as OpenAI implies, as to foreclose News Plaintiffs' ability to seek summary judgment in their favor on their grounding and output claims, despite the missed deadline.

If News Plaintiffs intend to pursue their grounding and output summary judgment claims against OpenAI, they must do so by November 25, 2026.[2] The opposition is due December 11, 2026. The reply, if any, is due December 18, 2026.

In addition to the scheduling disruption, News Plaintiffs' failure to seek summary judgment on their grounding and output claims against OpenAI undermines the Court-ordered word limit for summary judgment motions. (Dkt. No. 1664.) News Plaintiffs and OpenAI will each have 7,500 words for their respective briefs in support and in opposition, and 2,500 words for any reply brief.

Dated: New York, New York
November 12, 2026

SO ORDERED:

Sidney H. Stein, U.S.D.J.

[2] Nothing in this Order suggests an outcome on the merits of News Plaintiffs' sanctions motion. That motion is pending resolution and will be decided on its own terms.