

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPKO LLC, OPENAI
GLOBAL LLC, OAI CORPORATION, LLC,
and OPENAI HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-11195-SHS

Related Cases:

Case No. 1:23-cv-08292-SHS

Case No. 1:23-cv-10211-SHS

Case No. 1:24-cv-00084-SHS

**NOTICE OF MOTION AND
MOTION TO INTERVENE AND
DISMISS, STAY OR TRANSFER**

PLEASE TAKE NOTICE that Plaintiffs in the substantially similar first-filed case, *In re OpenAI ChatGPT Litigation*, pending in the Northern District of California, Master File No. 3:23-cv-03223-AMO (N.D. Cal. 2023) (“*In re ChatGPT Litigation*”), on behalf of themselves and others similarly situated, hereby move this Court before the Honorable Sidney H. Stein, United States District Judge, at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY 10007, to intervene and to dismiss, or, in the alternative, to stay or transfer *The N.Y. Times Co. v. Microsoft Corp. et al.*, Case No. 1:23-cv-11195-SHS to the Northern District of California pursuant to Rule 24 of the Federal Rules of Civil Procedure and the first-to-file rule.¹

In support of the Motion, Plaintiff-Intervenors rely on the accompanying Memorandum of Law, the Declaration of Christopher J. Hydal, the files and docket in *In re ChatGPT Litigation*, the files and dockets in the action referred to above, and any other written or oral argument as may be requested by the Court.

Dated: February 23, 2024

By: /s/ Christopher J. Hydal
Christopher J. Hydal

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¹ On February 12, 2024, Plaintiff-Intervenors filed an analogous motion in the three actions consolidated under *Authors Guild et al. v. Open AI, Inc. et al.*, Case No. 1:23-cv-08292-SHS (S.D.N.Y.).

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