UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

AUTHORS GUILD *et al.*, individually and on behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., OPENAI OPCO LLC, OPENAI GP LLC, OPENAI LLC, OPENAI GLOBAL LLC, OAI CORPORATION LLC, OPENAI HOLDINGS LLC, OPENAI STARTUP FUND I LP, OPENAI STARTUP FUND GP I LLC, OPENAI STARTUP FUND MANAGEMENT LLC, and MICROSOFT CORPORATION,

Defendants.

JONATHAN ALTER *et al.*, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

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

Defendants.

THE NEW YORK TIMES COMPANY

Plaintiffs,

v.

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

Defendants.

Case No. 1:23-cv-08292-SHS Case No. 1:23-cv-10211-SHS Case No. 1:23-cv-11195-SHS Case No. 1:24-cv-00084-SHS

NOTICE OF MOTION AND MOTION TO INTERVENE AND DISMISS, STAY OR TRANSFER NICHOLAS A. BASBANES and NICHOLAS NGAGOYEANES (professionally known as Nicholas Gage), individually and on behalf of all others similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI, INC., OPENAI GP, L.L.C., OPENAI HOLDINGS, LLC, OAI CORPORATION, LLC, OPENAI GLOBAL, LLC, OPENAI, L.L.C., and OPENAI OPCO, LLC,

Defendants.

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 following actions to the Northern District of California pursuant to Rule 24 of the Federal Rules of Civil Procedure and the first-to-file rule: 1) *Authors Guild et al. v. OpenAI Inc. et al.*, Case No. 1:23-cv-08292-SHS; 2) *Alter et al. v. OpenAI Inc. et al.*, Case No. 1:23-cv-10211-SHS; 3) *Basbanes et al. v. Microsoft Corp.*, Case No. 1:24-cv-00084; 4) *The N.Y. Times Co. v. Microsoft Corp. et al.*, Case No. 1:23-cv-11195-SHS.

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 actions referred to above, and any other written or oral argument as may be requested by the Court.

Dated: February 12, 2024 By: /s/ Christopher J. Hydal
Christopher J. Hydal

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