

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

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IN RE:	:	
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OPENAI, INC.,	:	25-md-3143 (SHS) (OTW)
COPYRIGHT INFRINGEMENT LITIGATION,	:	
	:	
	:	<u>ORDER</u>
This Document Relates To:	:	
23-CV-11195	:	
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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of OpenAI’s letter “seek[ing] the Court’s guidance in reconciling” my orders directing OpenAI to produce the 20 Million de-identified ChatGPT Logs “with Judge Stein’s recent order (ECF 903) directing further briefing” on its Rule 72(a) objections to those orders. (ECF 909). OpenAI argues that requiring production to go forward “would deprive Judge Stein of the opportunity to fully consider these issues before production takes place,” and relies, without elaborating, on “the nature of the privacy issues at stake.” (*Id.*). Nonetheless, OpenAI professes that it continues to “move forward with this process, including by completing de-identification, preparing a secure platform to facilitate News Plaintiffs’ review of this data, and enabling News Plaintiffs’ access to that platform.” (*Id.* at 1 n.2).

In their opposition, (ECF 915), News Plaintiffs argue, *inter alia*, that: (1) I denied OpenAI’s prior motion to stay production on November 13, 2025, (ECF 750); (2) when OpenAI filed its Rule 72(a) objection, it did not seek a stay at that time, (ECF 840); (3) at the December 4, 2025, discovery status conference, OpenAI did not ask for a stay and represented that it would produce the 20 Million ChatGPT logs “this week;” and (4) nothing in Judge Stein’s order regarding the briefing of OpenAI’s Rule 72(a) objection indicates a stay is necessary. (ECF 915).

News Plaintiffs are correct. After I denied OpenAI's first motion to stay production, OpenAI did not seek another stay of production from me or Judge Stein until December 8, 2025, days after its representation in open court that it would begin production this week, which representation was made despite the fact that OpenAI's objection has been pending since November 24, 2025 (and was not accompanied by a request for a stay). (ECF 840). Nor has OpenAI explained why a stay is necessary, or why anything needs to be reconciled between my order and Judge Stein's supplemental briefing order.¹ OpenAI points to no conflict between these orders requiring reconciliation beyond the fact that they both exist on the docket. Moreover, nothing about the mere fact that a party has filed objections to a discovery order relieves a party of complying with such an order. *See Thai Lao Lignite (Thailand) Co. v. Gov't of the Lao People's Democratic Republic*, 10-CV-5256 (KMW), 2011 WL 4111504, at *9 (S.D.N.Y. Sept. 13, 2011) ("Absent a stay of a magistrate judge's order, merely filing an objection to that order does not excuse a party from complying with it."). *See also Michelo v. Nat'l Collegiate Student Loan Tr.* 2007-2, 18-CV-1781, 18-CV-7692 (PGG) (BCM), 2021 WL 1080673, at *2 (S.D.N.Y. Mar. 5, 2021) ("[T]he filing of Rule 72(a) objections to a magistrate judge's discovery order does not excuse a party from complying with that order.").

Accordingly, OpenAI's request for a stay is **DENIED**. OpenAI is directed to produce the 20 Million ChatGPT Logs to News Plaintiff as previously directed by this Court, and is reminded that failure to do so may result in the imposition of costs under Fed. R. Civ. P. 37(a)(5)(B) (requiring courts to award expenses incurred on a discovery motion unless the motion was substantially

¹ Judge Stein's order only directs supplemental briefing in response to my December 2, 2025, Opinion & Order denying reconsideration of my November 7, 2025, order directing production of these logs. (ECF Nos. 896, 903).

justified) and/or Fed. R. Civ. P. 37(b)(2)(C) (requiring courts to impose costs on a party that disobeys a discovery order).

SO ORDERED.

Dated: December 9, 2025
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge