

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 OPCO LLC, OPENAI GLOBAL LLC,  
OAI CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

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

**DECLARATION OF ANNETTE  
HURST IN SUPPORT OF  
MICROSOFT'S CONDITIONAL  
OPPOSITION TO THE NEW  
YORK TIMES COMPANY'S  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT**

I, Annette Hurst, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at Orrick, Herrington & Sutcliffe LLP, located at 405 Howard Street San Francisco, CA 94105, which represents Microsoft Corporation in this matter. I submit this declaration in support of Microsoft's Conditional Opposition to The New York Times Company's ("The Times") Motion for Leave to File First Amended Complaint. ECF No. 118.

2. Attached hereto as Exhibit A is a true and correct copy of an email from Zach Savage to Counsel for Microsoft and OpenAI, dated May 16, 2024.

3. Attached hereto as Exhibit B is a true and correct copy of an email from Ian Crosby to Annette Hurst, copying additional Counsel for Microsoft and Counsel for OpenAI, dated May 20, 2024.

4. Attached hereto as Exhibit C is a true and correct copy of The Times' First Set of Requests for Production to Microsoft, dated February 23, 2024.

5. Attached hereto as Exhibit D is a true and correct copy of The Times' Request for Inspection to Microsoft Pursuant to Rule 34, dated May 22, 2024.

6. Attached hereto as Exhibit E is a true and correct copy of The Times' First Set of Interrogatories to Microsoft, dated May 22, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of June 2024.

/s/ Annette L. Hurst

Annette L. Hurst