

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

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

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

Defendants.

Case No. 1:23-cv-11195 (SHS) (OTW)

**DECLARATION OF ANDREW M.  
GASS IN SUPPORT OF OPENAI  
DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION FOR  
LEAVE TO FILE FIRST  
AMENDED COMPLAINT AND  
CONDITIONAL CROSS-MOTION**

I, Andrew M. Gass, declare as follows:

1. I am a Partner at Latham & Watkins LLP, located at 505 Montgomery Street Suite 2000, San Francisco, California 94111, which represents Defendants OpenAI, Inc., OpenAI L.P., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (collectively, "OpenAI") in the above-captioned litigation. I submit this declaration in support of OpenAI Defendants' Memorandum of Law in Support of Response to Plaintiff's Motion for Leave to File First Amended Complaint and Conditional Cross-Motion.

2. Attached hereto as Exhibit 1 is a true and correct copy of an email exchange including a May 29, 2024, email from Evie Sapanos of Susman Godfrey LLP.

3. On March 8, 2024, Defendants served their first set of Requests for Production on Plaintiff The New York Times. Plaintiff has not produced any documents to Defendants in this case.

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

Executed on June 3, 2024, in Healdsburg, California.

By: /s/ Andrew M. Gass  
Andrew M. Gass