

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK TIMES COMPANY, : 23-cv-11195 (SHS)

Plaintiff, :

-v- : ORDER

MICROSOFT CORPORATION. *ET AL.*, :

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SIDNEY H. STEIN, U.S.D.J.

On May 20, 2024, plaintiff The New York Times Company moved for leave to file a First Amended Complaint in this action [ECF Doc. No. 118]. The proposed amended complaint would add approximately seven million additional works to the approximately three million works in the original complaint. No new claims are added in the proposed amended complaint. The motion to amend the complaint was made within the time period set by the Court for the amendment of pleadings in its Order dated May 3, 2024 [ECF Doc. No. 112]. In addition, leave to amend shall be freely granted. *See*, Fed. R. Civ. P. 15(a)(2).

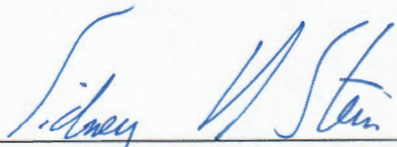
Microsoft does not dispute that the New York Times has “generally met the liberal standard for amendment” pursuant to Fed. R. Civ. P.15 and that it made its request for leave to amend in accordance with the Scheduling Order governing this case, but requests additional time for fact discovery to account for the burden of addressing the additional works [ECF Doc. No. 129]. The Open AI defendants similarly do not oppose the amendment so long as the case schedule is modified [ECF Doc. No. 131, 132].

The motion by the New York Times for leave to file an amended complaint is granted. The New York Times shall file its amended complaint on or before August 12, 2024, and shall file all proposed exhibits to the amended complaint on ECF. The New York Times may also send the proposed exhibits in native Excel format by email to steinchambers@nysd.uscourts.gov and wangchambers@nysd.uscourts.gov.

This action shall be referred to Magistrate Judge Ona T. Wang for general pretrial purposes, including outstanding timing and discovery disputes.

Dated: New York, New York
August 6, 2024

SO ORDERED:



Sidney H. Stein, U.S.D.J.