

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 OPKO, LLC,

Defendants.

24-CV-84 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

On January 22, 2024, plaintiffs Basbanes and Gage filed a motion with the four requests addressed below. (ECF No. 21.) The Court hereby grants plaintiffs' motion in part and denies the motion in part.

First, plaintiffs move to consolidate this action (the "Basbanes-Gage Action") with *Authors Guild, et al., v. Open AI Inc., et al.*, No. 23-cv-08292 (the "Authors Guild Action") and with *Jonathan Alter, et al., v. Open AI Inc., et al.*, No. 23-cv-10211 (the "Alter Action"). Plaintiffs in the Authors Guild Action and Alter Action do not oppose consolidation (ECF No. 31), and the Court has not received any other opposition to plaintiffs' motion. Accordingly, the motion to consolidate is granted for pretrial purposes pursuant to Fed. R. Civ. P. 42.

Second, plaintiffs request that the Court create a steering committee for the consolidated actions that includes counsel for Basbanes and Gage. The Court finds that a steering committee is not necessary and denies this request.

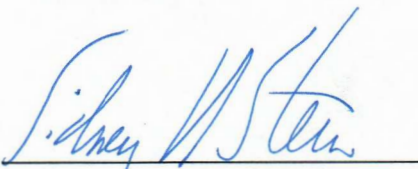
Third, plaintiffs request to appoint the law firms of Lief Cabraser Heimann & Bernstein, LLP and Susman Godfrey L.L.P. as interim co-lead counsel for the consolidated actions. Pursuant to the Court's order entered on February 6, 2024 in the Authors Guild Action and Alter Action, Lief Cabraser Heimann & Bernstein, LLP, Susman Godfrey L.L.P., and Cowan DeBaets Abrahams & Sheppard, LLP have been

appointed as interim co-lead class counsel in the consolidated action, which now includes the Basbanes-Gage Action.

Plaintiffs' fourth request to rule on this motion before ordering the Joint Stipulation filed in the Authors Guild Action and Alter Action is moot.

Dated: New York, New York
February 6, 2024

SO ORDERED:



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