



amendment would prejudice other parties[.]” *Grace v. Rosenstock*, 228 F.3d 40, 53-54 (2d Cir. 2000) (cleaned up; internal quotation marks and citation omitted). “[P]rejudice to the opposing party resulting from a proposed amendment” is “among the most important reasons to deny leave to amend.” *AEP Energy Servs. Gas Holding Co. v. Bank of Am., N.A.*, 626 F.3d 699, 725-26 (2d Cir. 2010) (quotation marks and citation omitted). “Amendment may be prejudicial when, among other things, it would require the opponent to expend significant additional resources to conduct discovery and prepare for trial or significantly delay the resolution of the dispute.” *Id.* (quotation marks and citation omitted).

Plaintiffs argue that the addition of these works arose from discovery, that granting leave to amend would promote judicial efficiency, and that Defendants would not be unduly prejudiced because they should have anticipated an eventual amendment. *See* ECF No. 160-2 at 4, 9-10, 12, 15. Defendants primarily argue that this would deprive them of their “right to have this Court timely determine the core question at the heart of this case: whether using works to train a generative AI model is a transformative use” and would hamper judicial economy. ECF No. 169 at 1, 20.

I agree with Defendants.

Permitting the proposed amendment at this stage would substantially prejudice Defendants and unduly delay the resolution of this action. Adding more than 30,000 works near the close of document discovery would require substantial additional production and review, generate further disputes, and materially alter the scope of the case before me. At the outset of this litigation, as early as August 21, 2024, I expressed concern about the possibility that an amendment expanding the number of works in this dispute, even to 10,000 works, could create “a case that is impossible” and more than “any single judge could deal with.” Transcript, No. 24 Civ. 4777, ECF No. 39 at 19 (S.D.N.Y. Aug. 21, 2024). I noted then that if there was no limit to the scope of the case, the parties would “overwhelm[] each other with production.” *Id.* at 22.

My earlier concerns are magnified in light of the difficulties the parties have had in managing discovery deadlines with an exponentially smaller number of works. *See* ECF No. 177 (the parties' eighth request for extension of the document production deadline). At the time Plaintiffs filed their motion to amend, the document discovery deadline was approximately one month away. *See id.* It has since been extended to August 25, 2026.

Granting leave to amend and allowing Plaintiffs to multiply the number of works now, near the close of document discovery, would expand this action dramatically, prejudice Defendants by delaying the resolution of the legal questions at the heart of this matter, and *considerably* prolong the proceedings.

I recognize that Plaintiffs have the right to seek to stop infringement of, and recover damages for, all copyrighted works. But there is no requirement that it be done in this lawsuit.

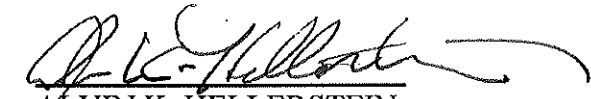
For the reasons outlined above, Plaintiffs' motion to amend the Complaint is denied.

The Clerk shall terminate ECF Nos. 160 and 162.

SO ORDERED.

Dated:

June 29, 2026  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge