MARC TOBEROFF (CA SBN 188547)
MToberoff@toberoffandassociates.com
JAYMIE PARKKINEN (CA SBN 318394)
JParkkinen@toberoffandassociates.com
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333

Attorneys for Plaintiffs Elon Musk, Shivon Zilis, and X.AI Corp.

(Additional counsel listed on the next page)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ELON MUSK et al.,

Plaintiffs,

v.

SAMUEL ALTMAN, et al.,

Defendants.

Case No. 4:24-cv-04722-YGR

JOINT STIPULATION AND [PROPOSED] ORDER MODIFYING CASE MANAGEMENT AND PRETRIAL ORDER

JORDAN ETH (CA SBN 121617)
JEth@mofo.com
WILLIAM FRENTZEN (CA SBN 343918)
WFrentzen@mofo.com
DAVID J. WIENER (CA SBN 291659)
DWiener@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: (415) 268-7000

WILLIAM SAVITT (admitted *pro hac vice*)
WDSavitt@wlrk.com
BRADLEY R. WILSON (admitted *pro hac vice*)
BRWilson@wlrk.com
SARAH K. EDDY (admitted *pro hac vice*)
SKEddy@wlrk.com
NATHANIEL CULLERTON (admitted *pro hac vice*)
NDCullerton@wlrk.com
WACHTELL, LIPTON, ROSEN & KATZ
51 West 52nd Street
New York, NY 10019
Telephone: (212) 403-1000

Attorneys for Defendants Samuel Altman, Gregory Brockman, OpenAI, Inc., OpenAI L.P., OpenAI, L.L.C., OpenAI GP, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund Management, LLC, OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., OpenAI Startup Fund SPV GP I, L.L.C., OpenAI Startup Fund SPV GP II, L.L.C., OpenAI Startup Fund SPV GP III, L.L.C., OpenAI Startup Fund SPV GP IV, L.L.C., OpenAI Startup Fund SPV I, L.P., OpenAI Startup Fund SPV II, L.P., OpenAI Startup Fund SPV III, L.P., OpenAI Startup Fund SPV IV, L.P., Aestas Management Company, LLC, and Aestas LLC

RUSSELL P. COHEN (SBN 213105)
Russ.cohen@dechert.com
HOWARD M. ULLMAN (SBN 206760)
Howard.ullman@dechert.com
DECHERT LLP
45 Fremont Street, 26th Floor
San Francisco, CA 94105
Telephone: (415) 262-4500

NISHA PATEL (SBN 281628)
Nisha.patelgupta@dechert.com
DECHERT LLP
633 West 5th Street, Suite 4900
Los Angeles, CA 90071
Telephone: (213) 808-5700

ANDREW J. LEVANDER (admitted *pro hac vice*)
Andrew.levander@dechert.com
DECHERT LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
Telephone: (212) 698-3500
Facsimile: (212) 698-3599

JAY JURATA (admitted *pro hac vice)*
Jay.jurata@dechert.com
DECHERT LLP
1900 K Street, N.W.
Washington, DC 20006
Telephone: (202) 261-3300
Facsimile: (202) 261-3333

Attorneys for Defendant Microsoft Corporation

Plaintiffs Elon Musk and X.AI Corp. (the "Plaintiffs"); Defendants Samuel Altman, Gregory Brockman, OpenAI, Inc., OpenAI L.P., OpenAI, L.L.C., OpenAI GP, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund Management, LLC, OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., OpenAI Startup Fund SPV GP I, L.L.C., OpenAI Startup Fund SPV GP II, L.L.C., OpenAI Startup Fund SPV GP III, L.L.C., OpenAI Startup Fund SPV GP IV, L.L.C., OpenAI Startup Fund SPV I, L.P., OpenAI Startup Fund SPV II, L.P., OpenAI Startup Fund SPV III, L.P., OpenAI Startup Fund SPV IV, L.P., Aestas Management Company, LLC, and Aestas LLC (collectively, the "OpenAI Defendants"); Defendant Microsoft Corporation (together with the "OpenAI Defendants," the "Defendants"; and together with Plaintiffs and the OpenAI Defendants, the "Parties"), by and through their counsel, hereby stipulate as follows:

WHEREAS, the Court issued a Case Management and Pretrial Order on April 9, 2025 (Dkt. 146);

WHEREAS, the Case Management and Pretrial Order set forth a schedule for expedited discovery and certain other pretrial proceedings;

WHEREAS, counsel for Plaintiffs contacted counsel for the Defendants on July 13, 2025 regarding a potential extension of certain deadlines in the Case Management and Pretrial Order, including in light of recent discovery rulings from Magistrate Judge Hixson (*see* Dkt. 188 & 203);

WHEREAS, the Parties have conferred regarding the terms of a potential extension of certain deadlines that would allow for the orderly completion of expedited discovery without affecting the Compliance Deadline, the date for filing the Joint Pretrial Conference Statement, the Pretrial Conference, or the March 30, 2026 trial date; and

WHEREAS, the Parties have agreed that fact depositions must be completed on or before October 1, 2025 in light of certain preexisting professional obligations on behalf of counsel for certain of the Parties.

IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES, SUBJECT TO COURT APPROVAL, that:

1. The deadlines in the Case Management and Pretrial Order are adjusted as follows:

	Original Date(s)	New Date(s)
SUBSTANTIAL COMPLETION OF DOCUMENT DISCOVERY	July 14, 2025	August 4, 2025
EXCHANGE OF PRIVILEGE LOGS	—	August 11, 2025
COMPLETION OF FACT DISCOVERY	August 4, 2025	—
COMPLETION OF WRITTEN DISCOVERY	—	August 25, 2025
DEPOSITIONS COMMENCE	July 28, 2025	September 2, 2025
DEADLINE TO COMPLETE DEPOSITIONS	August 18, 2025	October 1, 2025
DISCLOSURE OF EXPERTS (retained/non-retained):	Opening: August 29, 2025 Rebuttal: September 12, 2025	Opening: October 6, 2025 Rebuttal: October 20, 2025
DEADLINE TO FILE LETTER SEEKING PRE-SUMMARY JUDGMENT FILING CONFERENCE	September 5, 2025	October 13, 2025
EXCHANGE OF OPENING EXPERT REPORTS	September 8, 2025	October 15, 2025
DEADLINE TO FILE LETTERS OPPOSING PRE-SUMMARY JUDGMENT FILING CONFERENCE	September 10, 2025	October 20, 2025
SUMMARY JUDGMENT CONFERENCE[1]	September 27, 2025 at 2:00 p.m.	October 27, 2025 at _:00 _.m.[2]
EXCHANGE OF REBUTTAL EXPERT REPORTS	September 29, 2025	November 10, 2025
EXPERT DISCOVERY CUTOFF:	October 20, 2025	December 5, 2025
COMPLIANCE DEADLINE	February 20, 2026; statement to be filed by February 13, 2026	February 20, 2026; statement to be filed by February 13, 2026
JOINT PRETRIAL CONFERENCE STATEMENT:	Friday, February 27, 2026	Friday, February 27, 2026

[1] *See* Standing Order regarding Pre-filing Conference Requirements for motions for summary judgment.

[2] Or as soon thereafter as the Court's schedule permits.

	Original Date(s)	New Date(s)
PRETRIAL CONFERENCE:	Friday, March 13, 2026 at 9:00 a.m.	Friday, March 13, 2026 at 9:00 a.m.
TRIAL DATE:	Monday, March 30, 2026 at 8:30 a.m. (Jury Trial)	Monday, March 30, 2026 at 8:30 a.m. (Jury Trial)

2. All other provisions of the Case Management and Pretrial Order remain in effect and are incorporated herein.

3. The Parties agree that, absent relief of Court for good cause shown, they will not serve new written discovery requests on Parties.

Dated: July 22, 2025

TOBEROFF & ASSOCIATES, P.C.

By: */s/ Marc Toberoff*
Marc Toberoff (CA SBN 188547)

Attorneys for Plaintiffs Elon Musk and X.AI Corp.

Dated: July 22, 2025

MORRISON & FOERSTER LLP

By: */s/ Jordan Eth*
Jordan Eth (CA SBN 121617)

Attorneys for Defendants Samuel Altman, Gregory Brockman, OpenAI, Inc., OpenAI L.P., OpenAI, L.L.C., OpenAI GP, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund Management, LLC, OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., OpenAI Startup Fund SPV GP I, L.L.C., OpenAI Startup Fund SPV GP II, L.L.C., OpenAI Startup Fund SPV GP III, L.L.C., OpenAI Startup Fund SPV GP IV, L.L.C., OpenAI Startup Fund SPV I, L.P., OpenAI Startup Fund SPV II, L.P., OpenAI Startup Fund SPV III, L.P., OpenAI Startup Fund SPV IV, L.P., Aestas Management Company, LLC, and Aestas LLC

Dated: July 22, 2025

DECHERT LLP

By: */s/ Russell P. Cohen*
Russell P. Cohen (SBN 213105)

Attorneys for Defendant Microsoft Corporation

SIGNATURE ATTESTATION

I hereby attest that signatories listed above, on whose behalf this stipulation is submitted, concur in the filing's content and have authorized the filing.

Dated: July 22, 2025

/s/ Jordan Eth
Jordan Eth (CA SBN 121617)

[PROPOSED] ORDER

GOOD CAUSE APPEARING, the Court hereby approves the foregoing stipulation.

Dated: _____

_____
The Hon. Yvonne Gonzalez Rogers