**VIA CM/ECF**

**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF CALIFORNIA**

ELON MUSK et al.,

Plaintiffs,

vs.

SAMUEL ALTMAN et al.,

Defendants.

Case No. 24-cv-04722-YGR

**PLAINTIFFS' RESPONSE TO JOINT LETTER BRIEF**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Thomas S. Hixson

Date Action Filed: August 5, 2024
Trial Date: March 30, 2026

August 22, 2025

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson:

Plaintiffs Elon Musk and X.AI Corp. respectfully write to advise the Court of their intent to respond to the Joint Letter Brief submitted yesterday by non-party Meta Platforms, Inc. and the OpenAI Defendants. *See* Dkt. 230. Plaintiffs intend to submit that response on Monday, August 25, 2025.

To preview the forthcoming submission, Plaintiffs' position is that the OpenAI Defendants should not be permitted to take any third-party discovery relating to the February 2025 Letter of Intent that forms the basis for the OpenAI Defendants' counterclaims. On August 12, 2025, the Court ruled that those counterclaims belong in Phase II of this litigation. Dkt. 228 at 9. Nonetheless, the OpenAI Defendants continue to seek extensive discovery from numerous third parties relating to the Letter of Intent. In addition to the document subpoena to Meta, the OpenAI Defendants have stated their intent to depose ***three*** other non-parties whose only apparent connection to this case is that they signed the Letter of Intent.

Third-party discovery into this Phase II topic is an unnecessary and burdensome distraction in an already highly expedited discovery schedule. For that reason, Plaintiffs anticipate not only joining in Meta's opposition but also seeking a broader protective order restricting third-party

discovery into this Phase II topic. Plaintiffs would appreciate the opportunity to make that submission by Monday, August 25.

Respectfully submitted,

*/s/ Jaymie Parkkinen*
Jaymie Parkkinen, SBN 318394
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

Steven F. Molo (*pro hac vice*)
Robert K. Kry (*pro hac vice*)
Jennifer Schubert (*pro hac vice*)
MOLOLAMKEN LLP
430 Park Avenue
New York, NY 10022
Telephone: (212) 607-8160

*Attorneys for Plaintiffs Elon Musk and X.AI Corp.*