United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELON MUSK, ET AL.,

Plaintiffs,

v.

OPENAI, INC., ET AL.,

Defendants.

Case No.: 4:24-CV-4722-YGR

ORDER RE: REQUEST TO MODIFY CASE MANAGEMENT AND PRETRIAL ORDER; ORDER RELIEVING PARTIES FROM SUMMARY JUDGMENT PRE-FILING CONFERENCE REQUIREMENT

Re: Dkt. No. 267

First, the Court has reviewed the pre-filing letters submitted by the parties. Given the Court's schedule, the requested motion may be filed without conference. Under Ninth Circuit law, the Court cannot deny a party the opportunity to file such a motion. Given the content of the letters, and with fact discovery closing on October 1, any motion for summary judgment shall be filed by Friday, October 17, 2025. Oppositions shall be filed by November 7 and replies shall be filed on November 21, 2025. Oral argument shall occur in person on January 7, 2026 at 2:00 p.m. in Courtroom One of the United States District Court, Oakland, California.

The parties are reminded of the requirement to file separate statements of fact in the format set forth in paragraph 9(c) of this Court's Standing Order, including the requirement that counsel attest that the evidence cited for each fact or dispute fairly and accurately supports the fact or dispute.

The Court considers summary judgment a tool to be used prudently, when there are no disputed issues of material fact. To the extent there are triable issues of material fact, summary

judgment will be denied with a succinct denial order, without extensive commentary, so that the determination is left wholly for the trier of fact.

Second, the Court has reviewed plaintiffs' request to extend expert discovery in this case as well as defendants' opposition and counter-proposal. The Court finds good cause to grant defendants' counter-proposal and hereby extends the expert discovery window by two weeks, as laid out in OpenAI's opposition. The case management and pretrial order is modified as follows:

	Original Date	**New Dates**
DEADLINE TO COMPLETE DEPOSITIONS	October 1, 2025	October 1, 2025
DISCLOSURE OF EXPERTS (retained/non-retained):	Opening: October 6, 2025 Rebuttal: October 20, 2025	Opening: October 20, 2025 Rebuttal: November 3, 2025
EXCHANGE OF OPENING EXPERT REPORTS:	October 15, 2025	October 29, 2025
EXCHANGE OF REBUTTAL EXPERT REPORTS:	November 10, 2025	November 24, 2025
EXPERT DISCOVERY CUTOFF:	December 5, 2025	December 19, 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
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)

This terminates Docket No. 267

IT IS SO ORDERED.

Date: September 22, 2025

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California