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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

Judge Yvonne Gonzalez Rogers

DEFENDANT MICROSOFT CORPORATION AND PHASE ONE NON-PARTY REID HOFFMAN'S STIPULATED MOTION FOR ADMINISTRATIVE RELIEF TO FILE CORRECTED DECLARATION OF REID HOFFMAN

Action filed: August 5, 2024

ADMINISTRATIVE MOTION

Defendant Microsoft Corporation ("Microsoft") and Phase One Non-Party Reid Hoffman respectfully submit this Stipulated Administrative Motion Under L.R. 7-11 requesting leave to file a Corrected Declaration of Reid Hoffman ("Corrected Declaration"), attached hereto as **Exhibit A**, to correct an earlier declaration filed at Dkt. 65-21.

Mr. Hoffman executed a declaration on December 12, 2024 in support of Microsoft and then-Defendants Hoffman and Deannah Templeton's Opposition to Plaintiffs' Motion for Preliminary Injunction. *See* Dkt. 65-21 ("December 12 Declaration"). The Court denied Plaintiff's Motion for Preliminary Injunction in an Order dated March 4, 2025, which does not reference the December 12 Declaration. *See* Dkt. 121; *see also* Dkt. 163 (Court's Order Granting in Part and Denying in Part Defendants' Motions to Dismiss First Amended Complaint, similarly without reference to the December 12 Declaration). The Corrected Declaration fixes two inadvertent errors in the December 12 Declaration that have recently come to light during discovery:

1. The Corrected Declaration updates the dates of Mr. Hoffman's service on OpenAI's board of directors, correcting the December 12 Declaration, which mistakenly states March 2018 to March 2023. Discovery has confirmed the correct dates as March 2019 to February 2023.

2. The December 12 Declaration states that Mr. Hoffman "abstained from voting on any proposal relating to Microsoft's investment in OpenAI on either the OpenAI or Microsoft boards." Dkt. 65-21 at Para. 6. Discovery has revealed that, as an OpenAI director, Mr. Hoffman authorized a group of directors (excluding himself) to finalize the terms of a March 5, 2021 amendment to the Joint Development and Collaboration Agreement ("JDCA") between OpenAI and Microsoft and later signed a unanimous written consent approving certain agreements, including a 2023 amendment to the JDCA. The Corrected Declaration addresses these points.

The above corrections are noted in the Redline attached hereto as **Exhibit B**. Microsoft has notified Plaintiff and the OpenAI Defendants of its intent to file the Corrected Declaration in place of the December 12 Declaration to address these errors. All parties have stipulated that Microsoft and Mr. Hoffman may file the Corrected Declaration. *See* Joint Stipulation, filed herewith. Microsoft and Mr. Hoffman reserve all rights to move to strike the December

12 Declaration from the record following the conclusion of this case; all other parties also reserve all rights.

For the foregoing reasons, Microsoft and Mr. Hoffman respectfully request that the Court grant their Stipulated Motion.

DATED: September 24, 2025

Respectfully Submitted,

DECHERT LLP

By: */s/ Russell P. Cohen*

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