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 **STATUS UPDATE** Judge: Hon. Yvonne Gonzalez Rogers Magistrate Judge: Hon. Thomas S. Hixson Date Action Filed: August 5, 2024 Trial Date: March 30, 2026

September 26, 2025

The Honorable Thomas S. Hixson
United States District Court, Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Musk, et al.* v. *Altman, et al.*, Case No. 4:24-cv-04722-YGR

Dear Judge Hixson:

Pursuant to Your Honor's September 12 Order, Dkt. 263, the undersigned counsel for Plaintiff Elon Musk respectfully submits this joint letter addressing Musk's production of pre-2020 text messages in response to the OpenAI Defendants' discovery requests.

/s/ Jaymie Parkkinen
Jaymie Parkkinen, SBN 318394
Marc Toberoff, SBN 188547
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.

Plaintiff's Status Update

As previously reported in Plaintiff's September 19 update, Dkt. 273, following the Court's September 12 Order, Plaintiff's counsel immediately reached out to general counsel at Tesla, Neuralink, SpaceX, and the Boring Company to inquire about data from Plaintiff's old phones. Plaintiff's counsel also conducted a comprehensive review of 333 prior cases involving Plaintiff or entities affiliated with him dating back to 2015, identifying 33 relevant cases from the pertinent time period that had reached the discovery phase. Plaintiff's counsel then contacted attorneys of record in those proceedings. The former counsel who responded as of September 19 confirmed that they either never possessed or no longer retained Plaintiff's data from 2015-2020. That still remains true as of the date of this filing.

Nonetheless, on September 19, Plaintiff's counsel learned that Tesla had successfully located backup data from one of Plaintiff's previous mobile phones containing text messages from the 2015-2020 period. Search terms were applied to the recovered data, and the resulting hits were reviewed for responsiveness by Plaintiff's litigation counsel. On September 25, in advance of Plaintiff's September 26 deposition, Plaintiff informally produced the 101 text messages that were identified by that review. Plaintiff then formally produced those text messages the next morning.

The Court separately ordered linear review of text messages between specified sender-recipient pairs. Dkt. 276. Plaintiff will include in that linear review the messages recovered from the backup of Plaintiff's old phone.