UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELON MUSK, et al.,

Plaintiffs,

v.

SAMUEL ALTMAN, et al.,

Defendants.

Case No. 24-cv-04722-YGR (TSH)

DISCOVERY ORDER

Re: Dkt. No. 301

In ECF No. 301, Plaintiffs move to compel concerning two issues regarding non-party witness Ilya Sutskever. The Court **DENIES** the motion because it is untimely under Civil Local Rule 37-3. The close of fact discovery was October 1, 2025, and therefore the deadline to file any discovery-related motions concerning fact discovery was October 8, 2025. The Court previously explained that to the parties. *See* ECF No. 276 at 2-3. And it is clear that Plaintiffs knew that was the deadline. ECF No. 302-2 (Plaintiffs' counsel: "As a party to the scheduling order in the case, we do have to file tonight under the rules because it's 7 days after the close of fact discovery. Magistrate Judge Hixson does not have authority to extend that deadline."). Plaintiffs were correct about what their deadline was. However, they missed the deadline because they filed after midnight, so the filing was actually made on October 9, 2025. Civ. L.R. 5-1(d)(4) ("All electronic filings of documents must be completed as described in Civil L.R. 5-1(d)(3) prior to midnight in order to be considered timely filed that day."). Accordingly, their motion is **DENIED**.

IT IS SO ORDERED.

Dated: October 9, 2025

THOMAS S. HIXSON
United States Magistrate Judge

United States District Court
Northern District of California