MARC TOBEROFF (CA SBN 188547)
MToberoff@toberoffandassociates.com
JAYMIE PARKKINEN (CA SBN 318394)
JParkkinen@toberoffandassociates.com
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333

STEVEN F. MOLO (*pro hac vice*)
ROBERT K. KRY (*pro hac vice*)
JENNIFER M. 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.

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

PLAINTIFF ELON MUSK'S NOTICE OF FURTHER ELECTION

Plaintiff Elon Musk respectfully submits this notice of further election pursuant to this Court's Order Requiring Further Election dated October 7, 2025. Dkt. 298. The Court ordered that "Musk must elect between his breach of an implied contract or his unjust enrichment claim and docket the same by Thursday, October 9, 2025." *Id.* at 3.

Plaintiff Musk elects his unjust enrichment claim.

Dated: October 9, 2025

MOLO LAMKEN LLP

By: */s/ Steven F. Molo*
Steven F. Molo (*pro hac vice*)

Attorneys for Plaintiffs Elon Musk and X.AI Corp.