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. 311

In ECF No. 312, the Court denied Plaintiffs' motion in ECF No. 301 on the ground that it was untimely. However, the Court has now reviewed Plaintiffs' filing in ECF No. 311, which states that Plaintiffs' untimely filing was due to technical issues. Civil Local Rule 5-1(d)(5) governs this situation. It says: "The Clerk shall deem the ECF system to be subject to a technical failure on a given day if the system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day. Filings due on the day of a technical failure which were not filed solely due to such technical failure shall be due the next court day. Such delayed filings shall be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay due to such technical failure."

The Court **ORDERS** Plaintiffs to file one of two things no later than October 10, 2025: The declaration or affidavit required by Rule 5-1(d)(5) or a notice that they cannot truthfully do so.

IT IS SO ORDERED.

Dated: October 9, 2025

THOMAS S. HIXSON
United States Magistrate Judge

United States District Court
Northern District of California