United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELON MUSK, ET AL.,

Plaintiffs,

v.

SAMUEL ALTMAN, ET AL.,

Defendants.

Case No.: 4:24-cv-04722-YGR

ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION; DENIAL OF REQUEST TO CONSIDER APPOINTING A SPECIAL MASTER OR SPECIAL COUNSEL

Re.: Dkt. No. 315

The Court has reviewed Magistrate Judge Hixson's Recommendation (Dkt. No. 315, Discovery Order and Recommendation ["Recommendation"]) recommending denial of OpenAI's request for the Court to consider appointing a special master or special counsel to review the Musk, Zilis, and Birchall text messages to ensure that all of their relevant documents are produced ("OpenAI's Request for Special Master or Counsel"). (*See* Dkt. No. 294.) The Court has reviewed the Recommendation carefully and finds it correct, well-reasoned, and thorough, and adopts it in every respect.

Accordingly, and for the reasons set forth in the Recommendation, OpenAI's Request to appoint a Special Master or Counsel to review the Musk, Zilis, and Birchall text messages is **DENIED**. Should facts come to light that counsel withheld responsive documents, the Court will consider appropriate sanctions.

This Order terminates Dkt. No. 315.

IT IS SO ORDERED.

Dated: November 10, 2025

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE