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-4722-YGR

ORDER DENYING ADMINISTRATIVE MOTION TO SET *DAUBERT* BRIEFING SCHEDULE AS MOOT;

GRANTING STIPULATED ADMINISTRATIVE MOTION FOR LEAVE TO FILE CORRECTED MOTION TO EXCLUDE;

CONTINUING HEARING ON MOTION TO EXCLUDE

Re: Dkt. Nos. 378, 393, 394

The following motions are pending before the Court: OpenAI defendants' administrative motion to set briefing and hearing schedule for *Daubert* motions (Dkt No. 378), defendants' motion to exclude opinions three through six of Dr. Wazzan (Dkt. No. 393), and defendants' stipulated administrative motion for leave to file a corrected motion to exclude (Dkt. No. 394).

First, the administrative motion to set *Daubert* briefing and hearing schedule (Dkt. No. 378) is **DENIED AS MOOT** is because defendants have already filed their *Daubert* motion.

Second, defendants' stipulated administrative motion for leave to file a corrected motion to exclude (Dkt. No. 394) is **GRANTED**. The Court shall construe the version filed contemporaneously with the administrative motion as the operative version of defendants' motion to exclude.

Third, the hearing currently set for Friday, March 6, 2026 on the motion to exclude (Dkt. No. 393) is hereby **CONTINUED** to **Friday, March 13, 2026** at **9:00 a.m**. The motion will be heard during the pretrial conference already scheduled for that time.

This Order terminates Dkt. Nos. 378 and 394.

IT IS SO ORDERED.

Date: February 20, 2026

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE