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 (TSH)

[PROPOSED] ORDER GRANTING PLAINTIFF ELON MUSK'S MOTIONS *IN LIMINE*

The Court, having considered Plaintiff Elon Musk's Motions *in Limine*, and all papers and arguments submitted in support and opposition thereto, hereby ORDERS as follows:

Plaintiff's Motion *in Limine* No. 1. The Court GRANTS Plaintiff's *Motion in Limine* No. 1 and excludes all documents and testimony relating to the investigation and decisions of the California and Delaware Attorneys General on OpenAI's October 2025 conversion into a for-profit public benefit corporation, including OpenAI Trial Exhibits 1037, 1046, 1047, and 1048.

Plaintiff's Motion *in Limine* No. 2. The Court GRANTS Plaintiff's *Motion in Limine* No. 2 and excludes all documents and testimony relating to OpenAI's investigation and March 8, 2024 blog post on the November 2023 firing of Sam Altman by the nonprofit board of OpenAI, including OpenAI Trial Exhibits 989, 991, and 992.

Plaintiff's Motion *in Limine* No. 3. The Court GRANTS Plaintiff's *Motion in Limine* No. 3 and excludes all documents and testimony relating to X.AI Corporation's ("xAI") business and competitive practices, its February 2025 bid to acquire the assets of OpenAI, Inc., and xAI's artificial intelligence chatbot, Grok, including OpenAI Trial Exhibits 943, 959, 1003, 1013, 1018, 1022, and 1053, and Microsoft Trial Exhibits D039, D041, and D050.

Plaintiff's Motion *in Limine* No. 4. The Court GRANTS Plaintiff's *Motion in Limine* No. 4 and excludes all documents and testimony relating to Plaintiff's political, social, and personal activities and communications with non-parties irrelevant to this case, including OpenAI Trial Exhibits 1021 and 1011.

Plaintiff's Motion *in Limine* No. 5. The Court GRANTS Plaintiff's *Motion in Limine* No. 5 and precludes Defendant OpenAI from calling all three expert witnesses, Peter Frumkin, Daniel J. Hemel, and John C. Coates IV, at trial. Within four days of the entry of this Order, OpenAI shall file a statement electing which of Frumkin, Hemel, or Coates it will call at trial.

IT IS SO ORDERED.

DATED: _____

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Hon. Yvonne Gonzalez Rogers
United States District Court Judge