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(Additional counsel listed on the next page)

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

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER REGARDING DATE OF HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Action Filed: August 5, 2024
Trial Date: None Set
Judge: Hon. Yvonne Gonzalez Rogers

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Attorneys for Defendants Microsoft Corporation, Reid Hoffman, and Deannah Templeton

Plaintiffs Elon Musk, Shivon Zilis, and X.AI Corp. (collectively, the "Plaintiffs"); Defendants Samuel Altman, Gregory Brockman, OpenAI, Inc., OpenAI L.P., OpenAI, L.L.C., OpenAI GP, L.L.C., OpenAI OpCo, LLC, OpenAI Global, LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, OpenAI Startup Fund Management, LLC, OpenAI Startup Fund GP I, L.L.C., OpenAI Startup Fund I, L.P., OpenAI Startup Fund SPV GP I, L.L.C., OpenAI Startup Fund SPV GP II, L.L.C., OpenAI Startup Fund SPV GP III, L.L.C., OpenAI Startup Fund SPV GP IV, L.L.C., OpenAI Startup Fund SPV I, L.P., OpenAI Startup Fund SPV II, L.P., OpenAI Startup Fund SPV III, L.P., OpenAI Startup Fund SPV IV, L.P., Aestas Management Company, LLC, and Aestas LLC (collectively, the "OpenAI Defendants"); Defendant Deannah Templeton, Defendant Reid Hoffman, and Defendant Microsoft Corporation, by and through their counsel, hereby stipulate and request as follows:

WHEREAS, on Friday, November 29, 2024, Plaintiffs filed a Motion for Preliminary Injunction against Defendants with a noticed hearing date of January 7, 2025 (ECF No. 46);

WHEREAS, lead counsel for the OpenAI Defendants is arguing in the New York Court of Appeals in *Haussman* et al. v. *Baumann* et al., Appeal No. 2024-00017, on that date;

WHEREAS, counsel for Plaintiffs and counsel for Defendants have conferred and agree, in light of this conflict and subject to Court approval, to continue the hearing on Plaintiffs' Motion for Preliminary Injunction by one week, to January 14, 2025 (and not to alter the current briefing schedule);

WHEREAS, this stipulation is without prejudice to any parties' arguments;

IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO COURT APPROVAL, by Plaintiffs and Defendants that the hearing on Plaintiffs' Motion for Preliminary Injunction shall be continued by one week, from January 7, 2025, to January 14, 2025.

Dated: December 6, 2024

TOBEROFF & ASSOCIATES, P.C.

By: */s/ Marc Toberoff*
Marc Toberoff (CA SBN 188547)

Attorneys for Plaintiffs Elon Musk, Shivon Zilis, and X.AI Corp.

Dated: December 6, 2024

MORRISON & FOERSTER LLP

By: */s/ Jordan Eth*
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Dated: December 6, 2024

DECHERT LLP

By: */s/ Russell P. Cohen*
Russell P. Cohen (SBN 213105)

Attorneys for Defendants Microsoft Corporation, Reid Hoffman, and Deannah Templeton

SIGNATURE ATTESTATION

I hereby attest that signatories listed above, on whose behalf this stipulation is submitted, concur in the filing's content and have authorized the filing.

Dated: December 6, 2024

/s/ Jordan Eth
Jordan Eth (CA SBN 121617)

[~~PROPOSED~~] ORDER

GOOD CAUSE APPEARING, the Court hereby approves the foregoing stipulation and ORDERS that the hearing on Plaintiffs' Motion for Preliminary Injunction be continued by one week, from January 7, 2025, to January 14, 2025. The existing briefing schedule shall remain in effect.

Dated: December 9, 2024

The Hon. Yvonne Gonzalez Rogers