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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

Assigned to Hon. Yvonne Gonzalez Rogers

ADMINISTRATIVE MOTION FOR LEAVE TO FILE A RESPONSE TO THE AMICUS BRIEF OF KATHLEEN JENNINGS IN HER CAPACITY AS THE ATTORNEY GENERAL OF THE STATE OF DELAWARE

PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 7-11, Plaintiffs Elon Musk, Shivon Zilis, and X.AI Corp. (collectively, "Plaintiffs") will, and hereby do, move the Court for an order permitting the filing of their response, submitted herewith, to the amicus brief of Kathleen Jennings in her capacity as the Attorney General for the State of Delaware, Dkt. No. 77.[1] This Motion is based on the below argument, the proposed response, the Declaration of Marc Toberoff, and associated exhibits.

The amicus notes for the first time the existence of regulatory review by the Delaware Attorney General, who is not a party to the case and who has previously declined communication with Plaintiffs. Due process counsels providing Plaintiffs an opportunity to respond. Further, the parties have not raised the issue of the Delaware Attorney General's review, which as Plaintiffs' proposed response makes clear, only strengthens the case for this Court to act to maintain the status quo in light of the multi-jurisdictional nature of these proceedings.

DATED: January 3, 2025

Respectfully Submitted,

TOBEROFF & ASSOCIATES, P.C.

/s/ Marc Toberoff
Marc Toberoff

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

[1] The Delaware Attorney General does not oppose this request. The OpenAI Defendants oppose and Microsoft, Reid Hoffman, and Deannah Templton do not consent to this request. As of this filing, the California Attorney General has not informed Plaintiffs of his position.