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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

Assigned to Hon. Yvonne Gonzalez Rogers

DEFENDANTS MICROSOFT CORPORATION, REID HOFFMAN, AND DEANNAH TEMPLETON'S OPPOSITION TO PLAINTIFFS' 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

Defendants Microsoft Corporation, Reid Hoffman, and Deannah Templeton ("Microsoft Defendants") oppose Plaintiffs' 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 (Dkt. No. 81).

The Amicus Brief (the "Brief") filed by the Delaware Attorney General, Dkt. No. 77-1, was not in support of or in opposition to any of the parties in this action. Dkt. No. 77-1 at 1. It expressly "takes no position on the propriety of a preliminary injunction in this case." Dkt. No. 77-1 at 4. Thus, the Brief only seeks to "make the Court aware" of the Delaware Attorney General's "concurrent review" of OpenAI's potential conversion into a different corporate structure, and nothing more. Dkt. No. 77-1 at 4.

As the Brief was purely informational and takes no position on the pending motion for a preliminary injunction, there is no need for a response from Plaintiffs and no prejudice or denial of due process in denying Plaintiffs' motion for leave to respond. The Court is able to assess the significance of the Delaware Attorney General's Brief without further elaboration from the parties.

Accordingly, to promote the "just, speedy, and inexpensive determination" of this action, *see* Fed. R. Civ. P. 1; *see also* Civil L.R. 1-2(b), the Microsoft Defendants respectfully request that the Court deny Plaintiffs leave to file a response to the amicus brief of Kathleen Jennings in her capacity as the Attorney General for the State of Delaware.

DATED: January 7, 2025

Respectfully Submitted,

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By: */s/ Russell P. Cohen*

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