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7	Securities and Exchange Commission	
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12	UNITED STATES DISTRICT COURT	
13	NORTHERN DISTRICT OF CALIFORNIA	
14	SAN FRANCISCO DIVISION	
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16	SECURITIES AND EXCHANGE COMMISSION,	Case No. 3:23-mc-80253-JSC
17	Applicant,	
18	V.	STIPULATION AND [PROPOSED] ORDER
19	ELON MUSK,	
20	Respondent.	
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1 **STIPULATION** 2 Plaintiff Securities and Exchange Commission ("SEC" or "Commission") and 3 Respondent Elon Musk (together, "the Parties"), by and through their respective counsels of 4 record, hereby agree and stipulate as follows: 5 WHEREAS the parties have conferred regarding the date and location of Respondent's 6 additional investigative testimony, and agreed to conduct the testimony at one of four specified 7 SEC offices on a date more than 60 days from the Court's May 14, 2024 Order (the parties have 8 agreed in writing to a particular date but have not included that date here for confidentiality 9 purposes); 10 WHEREAS Respondent has agreed to inform the SEC in writing, no fewer than 14 days 11 before the agreed-upon testimony date, which of the four SEC offices he has chosen for the 12 location of this testimony. 13 WHEREAS Respondent has agreed to waive any right to appeal the May 14, 2024 Order 14 enforcing the SEC's subpoena by permitting one session of additional investigative testimony 15 not to exceed five hours of questioning, not otherwise challenge the legitimacy of that Order 16 requiring one session of additional investigative testimony not to exceed five hours of 17 questioning, and not challenge the SEC's right to take such testimony; 18 WHEREAS Respondent has agreed that the agreed-upon date and time for the testimony 19 may be rescheduled only upon written consent by the SEC or order of the Court, and further 20 agrees to not seek delay or rescheduling of the testimony absent an emergency that Respondent 21 did not create and could not avoid; 22 WHEREFORE, the Parties hereby stipulate to, and respectfully request the Court enter 23 the attached [Proposed] Order stating as follows: 24 (1) Respondent shall appear in person for testimony at one of four specified SEC offices 25 identified by Respondent on the date and time agreed upon in writing by the parties; 26 (2) Respondent shall inform the SEC in writing, no fewer than 14 days before the 27 agreed-upon testimony date, which of the four SEC offices he has chosen for the

location of this testimony.

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1	(3) Respondent, having waived his right to appeal this Court's May 14, 2024 Order	
2	enforcing the SEC's subpoena by permitting one session of additional investigative	
3	testimony not to exceed five hours of questioning, shall not appeal that Order,	
4	otherwise challenge the legitimacy of that Order requiring one session of additional	
5	investigative testimony not to exceed five hours of questioning, or challenge the	
6	SEC's right to take such testimony; and	
7	(4) The agreed-upon date and time for Respondent's testimony may be rescheduled only	
8	upon written consent of the SEC or order of the Court, and Respondent shall not seek	
9	delay or rescheduling of the testimony absent an emergency that Respondent did not	
10	create and could not avoid.	
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12	STIPULATED AND AGREED TO BY:	
13	Dated: May 30, 2024 /s/ Robin Andrews Robin Andrews	
14	Attorney for Applicant	
15	SECURITIES AND EXCHANGE COMMISSION	
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17	Dated: May 30, 2024 /s/ Alex Spiro Alex Spiro	
18	QUINN EMANUEL URQUHART &	
19	SULLIVAN, LLP Attorney for Respondent	
20	ELON MUSK	
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22	LOCAL RULE 5-1(h)(3) ATTESTATION	
23	Pursuant to L.R. 5-1(h)(3), I, Robin Andrews, attest that all signatories identified	
24	above, and on whose behalf the filing is submitted, concur in the filing's content and have	
25	authorized the filing.	
26	<u>/s/ Robin Andrews</u> Robin Andrews	
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1 [PROPOSED] ORDER 2 Based on the foregoing stipulation, and for good cause shown, IT IS HEREBY 3 ORDERED that: 4 (1) Respondent shall appear in person for testimony at one of four specified SEC offices 5 identified by Respondent on the date and time agreed upon in writing by the parties; 6 (2) Respondent shall inform the SEC in writing, no fewer than 14 days before the 7 agreed-upon testimony date, which of the four SEC offices he has chosen for the 8 location of this testimony. 9 (3) Respondent, having waived his right to appeal this Court's May 14, 2024 Order 10 enforcing the SEC's subpoena by permitting one session of additional investigative 11 testimony not to exceed five hours of questioning, shall not appeal that Order, 12 otherwise challenge the legitimacy of that Order requiring one session of additional 13 investigative testimony not to exceed five hours of questioning, or challenge the 14 SEC's right to take such testimony; and 15 (4) The agreed-upon date and time for Respondent's testimony may be rescheduled only 16 upon written consent of the SEC or order of the Court, and Respondent shall not seek 17 delay or rescheduling of the testimony absent an emergency that Respondent did not 18 create and could not avoid. 19 IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this matter for 20 the purposes of giving full effect to this Order and to make such further orders and decrees or 21 take such action as may become necessary or appropriate to carry out the terms of this Order. 22 Dated: , 2024 23 UNITED STATES DISTRICT JUDGE 24 25 26 27 28