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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**
15

16 SECURITIES AND EXCHANGE COMMISSION,
17 Applicant,
18 v.
19 ELON MUSK,
20 Respondent.

Case No. 3:23-mc-80253-JSC

STIPULATION AND [PROPOSED]
ORDER

STIPULATION

1
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
28 location of this testimony.

[PROPOSED] ORDER

Based on the foregoing stipulation, and for good cause shown, IT IS HEREBY ORDERED that:

- (1) Respondent shall appear in person for testimony at one of four specified SEC offices identified by Respondent on the date and time agreed upon in writing by the parties;
- (2) Respondent shall inform the SEC in writing, no fewer than 14 days before the agreed-upon testimony date, which of the four SEC offices he has chosen for the location of this testimony.
- (3) Respondent, having waived his right to appeal this Court’s May 14, 2024 Order enforcing the SEC’s subpoena by permitting one session of additional investigative testimony not to exceed five hours of questioning, shall not appeal that Order, otherwise challenge the legitimacy of that Order requiring one session of additional investigative testimony not to exceed five hours of questioning, or challenge the SEC’s right to take such testimony; and
- (4) The agreed-upon date and time for Respondent’s testimony may be rescheduled only upon written consent of the SEC or order of the Court, and Respondent shall not seek delay or rescheduling of the testimony absent an emergency that Respondent did not create and could not avoid.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this matter for the purposes of giving full effect to this Order and to make such further orders and decrees or take such action as may become necessary or appropriate to carry out the terms of this Order.

Dated: _____, 2024

UNITED STATES DISTRICT JUDGE