

Ethan Jacobs (SBN 291838)
ethan@ejacobslaw.com
Ethan Jacobs Law Corporation
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 275-0845

Attorneys for Petitioners

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SARAH ANOKE, CATHERINE BONN,
ISABELLE CANNELL, MELANIE
EUSEBIO, SAMANTHA FESTEJO,
CARLOS MOISES ORTIZ GOMEZ,
DAWN HOISE, WAYNE KRUG,
LAURENT LUCE, PATRICK
O'CONNELL, JENNIFER RYAN, JAIME
SENA, JAMES SHOBE, KARYN
THOMPSON, and CRISTIAN ZAPATA,

Petitioners,

v.

TWITTER, INC., X HOLDINGS I, INC., X
HOLDINGS CORP, X CORP, and ELON
MUSK,

Respondents

Case No. 3:23-cv-02217-SI

**PETITIONERS' CIVIL LOCAL
RULE 7-11 ADMINISTRATIVE
RELIEF MOTION FOR ORDER
REQUIRING RESPONDENTS TO
COMPLY WITH CIVIL LOCAL RULE
3-15**

[Civil Local Rule 3-15]

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 7-11, Petitioners moves for administrative relief asking that the Court order Respondents to comply with Civil Local Rule 3-15 on the ground that Respondents' Rule 7.1 Corporate Disclosure Statement and Certification Pursuant to Local Rule 3-15 (ECF No. 4) fails to comply with this rule. This motion is submitted for immediate determination without a hearing. *See* Civil L.R. 7-11(c).

1 **I. FACTUAL OVERVIEW**

2 On May 5, 2023, Respondents removed this case from San Francisco County Superior
 3 Court to this Court, and on May 8 they filed a “Rule 7.1 Corporate Disclosure Statement and
 4 Certification Pursuant to Local Rule 3-15” (the “Disclosure”) (ECF Nos. 1, 4; Declaration of
 5 Ethan Jacobs (“Jacobs Decl.”) ¶ 2 & Ex. A). The Disclosure explains that Respondents Twitter,
 6 Inc. and X Holdings I, Inc. no longer exist and that Respondent X Corp. is wholly owned by X
 7 Holdings Corp. (Jacobs Decl. Ex. A). But it does not disclose who owns Respondent X
 8 Holdings Corp., stating instead that “there is no ... interest (other than the named parties) to
 9 report.” (*Id.*).

10 On May 9, 2023, Petitioners’ counsel informed Respondents’ counsel that the
 11 Disclosure was incomplete and requested that they file a corrected Disclosure. (*See* Jacobs
 12 Decl. ¶ 4 & Ex. B). Respondents’ counsel responded with Petitioners’ counsel about other
 13 issues but ignored the email about their incomplete Disclosure. (*Id.* ¶ 4). The email from
 14 Petitioners’ counsel also sought a stipulation to an order compelling Respondents to submit a
 15 compliant Disclosure; the lack of response indicates no stipulation would be forthcoming. (*Id.*
 16 ¶¶ 4-5).

17 **II. ARGUMENT**

18 **A. Respondents’ Disclosure Does Not Comply With Local Rule 3-15**

19 Civil Local Rule 3-15 “is designed to provide sufficient information for the presiding
 20 judge to make an informed determination regarding disqualification or recusal.” *Stewart v.*
 21 *Screen Gems-EMI Music, Inc.*, No. 14-cv-04805-JSC, 2015 WL 13648928, at *1 (N.D. Cal.
 22 Jan. 13, 2015) (ordering defendant to file a disclosure that complies with Local Rule 3-15).

23 To that end, the rule states that the Certification of Conflicts and Interested Entities or
 24 Persons “must ... disclose any persons, associations of persons, firms, partnerships,
 25 corporations (including, but not limited to, parent corporations), or other entities, other than the
 26 parties themselves, known by the party to have either: (i) a financial interest of any kind in the
 27 subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest
 28 that could be substantially affected by the outcome of the proceeding.” Local Rule 3-15(b)(2).

1 Local Rule 3-15(b)(3) explains that “[f]or purposes of this Rule, the terms ‘proceeding’
2 and ‘financial interest’ shall have the meaning assigned by 28 U.S.C. § 455 (d)(1), (3) and (4),
3 respectively.” And 28 U.S.C. § 455 (d)(4) provides in turn:

4 (4) “financial interest” means ownership of a legal or equitable interest, however
5 small, or a relationship as director, adviser, or other active participant in the
6 affairs of a party, except that:

7 (i) Ownership in a mutual or common investment fund that holds securities is
8 not a “financial interest” in such securities unless the judge participates in the
9 management of the fund;

10 (ii) An office in an educational, religious, charitable, fraternal, or civic
11 organization is not a “financial interest” in securities held by the
12 organization;

13 (iii) The proprietary interest of a policyholder in a mutual insurance
14 company, of a depositor in a mutual savings association, or a similar
15 proprietary interest, is a “financial interest” in the organization only if the
16 outcome of the proceeding could substantially affect the value of the interest;

17 (iv) Ownership of government securities is a “financial interest” in the issuer
18 only if the outcome of the proceeding could substantially affect the value of
19 the securities.

20 *Someone* owns Respondent X Holdings Corp. And because X Holdings Corp. is a
21 party, Local Rule 3-15 therefore requires it to disclose their identities. Petitioners respectfully
22 submit that the Court should order Respondents to comply with their disclosure obligations. As
23 in *Stewart*, “[a]ll that is sought here is to require [Respondents] to comply with the same Rules
24 with which every litigant that appears in the Northern District of California has to comply.”
25 *Stewart*, 2015 WL 13648928, at *2.

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1 **III. CONCLUSION**

2 For the reasons set forth above, Petitioners respectfully request that the Court order
3 Respondents to comply with Civil Local Rule 3-15.

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5 Dated: May 11, 2023

Respectfully submitted,

6 ETHAN JACOBS LAW CORPORATION

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8 By: /s/ Ethan Jacobs

Ethan Jacobs

9 Attorneys for Petitioners
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