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**UNITED STATES DISTRICT COURT**

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**NORTHERN DISTRICT OF CALIFORNIA**

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**OAKLAND DIVISION**

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ELON MUSK et al.,

Case No. 4:24-cv-04722-YGR

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Plaintiffs,

**RESPONSE TO OPENAI DEFENDANTS'  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD  
BE SEALED**

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v.

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SAMUEL ALTMAN et al.,

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Defendants.

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1 Pursuant to Civil Local Rule 79-5(f)(3), non-party Shivon Zilis respectfully files this  
2 Response to the OpenAI Defendants’ (“OpenAI’s”) Administrative Motion To Consider Whether  
3 Another Party’s Material Should Be Sealed. Dkt. 272. Ms. Zilis requests limited redactions to  
4 Exhibit E and F (currently provisionally filed under seal at Dkt. 273), which are text strings  
5 between Ms. Zilis and Elon Musk.

6 Exhibits like these that are “not related, or only tangentially related, to the merits of a case”  
7 are not subject to any strong presumption of public access. *Ctr. for Auto Safety v. Chrysler Grp.*,  
8 809 F.3d 1092, 1099 (9th Cir. 2016); *see also Kamakana v. City & Cnty. of Honolulu*, 447 F.3d  
9 1172, 1179 (9th Cir. 2006) (“[T]he public has less of a need for access to court records attached  
10 only to non-dispositive motions because those documents are often ‘unrelated, or only tangentially  
11 related, to the underlying cause of action.’”). Parties moving to seal or redact such documents  
12 need only show “good cause” under Rule 26(c). *Kamakana*, 447 F.3d at 1176. The party must  
13 show that “specific prejudice or harm will result” from public filing. *Phillips ex rel. Estates of*  
14 *Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002).

15 Good cause exists for redactions here. First, Exhibit E discloses Ms. Zilis’s personal  
16 phone number on page ZILIS-0002324. Courts routinely permit the redaction of personal phone  
17 numbers from public filings. *See Epic Games, Inc. v. Apple Inc.*, No. 4:20-cv-05640, 2021 WL  
18 1925460, at \*3 (N.D. Cal. Apr. 30, 2021) (Gonzales Rogers, J.) (granting motion to seal that was  
19 “narrowly tailored in redacting personal identifying information, including names, phone  
20 numbers, and email addresses”); *Castro v. ABM Indus., Inc.*, 325 F.R.D. 332, 334 n.2 (N.D. Cal.  
21 2018) (Gonzales Rogers, J.) (finding good cause to seal “names, addresses, and phone numbers”);  
22 *Am. Auto. Assoc. of N. Cal., Nev. & Utah v. General Motors LLC*, No. 17-cv-03874, 2019 WL  
23 1206748, at \*2 (N.D. Cal. Mar. 14, 2019) (similar). Disclosure of a non-party witness’s personal  
24 phone number in a high-profile case like this one raises obvious concerns about invasion of  
25 privacy and harassment. Throughout this case, the parties have been redacting personal phone  
26 numbers even from sealed filings. But OpenAI inadvertently failed to redact this one instance of  
27 Ms. Zilis’s phone number. The Court should permit redaction of the phone number.

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1 Second, Exhibits E and F both contain certain nonresponsive personal content in addition  
2 to their responsive content. Courts permit the redaction of nonresponsive personal content from  
3 documents. *See, e.g., United States v. Nosal*, No. 08-cr-0237, 2013 WL 11327121, at \*9 (N.D.  
4 Cal. Mar. 29, 2013) (permitting redactions to voicemails that “contain[ed] a combination of  
5 personal and business information”); *VLSI Tech. LLC v. Intel Corp.*, No. 17-cv-05671, 2023 WL  
6 7472953, at \*2 (N.D. Cal. Oct. 23, 2023) (permitting sealing of “personal information that is not  
7 relevant to any matter in this case”); *Apple Inc. v. Rivos, Inc.*, No. 22-cv-02637, 2024 WL 748394,  
8 at \*5 (N.D. Cal. Feb. 23, 2024) (similar). Ms. Zilis requests redaction of the following content:

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- 10 • Exhibit E, page ZILIS-0002326, text at 2/16/2018, 6:48 AM: redact from  
11 after the word “about” to the end of the sentence, and redact the fourth and  
12 fifth sentences in full. As redacted, the text would read: “Will leave you  
13 be on the Demis stuff. I’m sure it’s hard to think about [redacted]. I just  
14 needed to say it once since it’s been plaguing me. [redacted].”
  - 15 • Exhibit F, page ZILIS-0002320, text at 10/23/2022, 1:30 PM: redact from  
16 after the word “above” to before the word “but.” As redacted, the text  
17 would read: “No need to call back if you don’t feel like it. I thought it  
18 might help to share some context that appears to be missing above  
19 [redacted] but neither are required.”

20 The redacted material is personal in nature and its disclosure in a public court filing would be an  
21 unwarranted invasion of a non-party witness’s privacy.

22 OpenAI has stated that it consents to the redaction of the inadvertently included phone  
23 number in Exhibit E and that it has no objection to the redaction of the nonresponsive personal  
24 content in Exhibits E and F.

25 Dated: September 26, 2025

TOBEROFF & ASSOCIATES, P.C.

26 By:                   /s/ Marc Toberoff                    
27 Marc Toberoff (CA SBN 188547)

*Attorneys for Shivon Zilis*

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**[PROPOSED] ORDER**

Finding good cause, the Court approves the proposed redactions to Exhibits E and F filed at Dkt. 273 as follows:

<b>Document</b>	<b>Designator</b>	<b>Basis for Redaction</b>
Exhibit E – phone number	Zilis	personal privacy
Exhibit E – personal content	Zilis	personal privacy
Exhibit F – personal content	Zilis	personal privacy

Dated: \_\_\_\_\_

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The Hon. Yvonne Gonzalez Rogers