

EXHIBIT 1

Elon Musk v.
Samuel Altman

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[CONFIDENTIAL]

September 26, 2025
Elon Musk

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELON MUSK, et al.,
Plaintiffs,

v.

SAMUEL ALTMAN, et al.,
Defendants.

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

VIDEO DEPOSITION OF
Elon Musk
September 26, 2025
San Francisco, California
LEAD: William Savitt, Esquire
FIRM: Wachtell Lipton Rosen & Katz

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1 execution of the company. And in order to
2 emphasize the difficulty of competing with Google,
3 I need to be emphatic that outstanding execution
4 is needed for a small company to be a large
5 company.

6 Q. Do you recall that earlier this year
7 OpenAI announced a Stargate UAE initiative?

8 A. Yes.

9 Q. What's your understanding of that
10 initiative, sir?

11 A. I don't know the details.

12 Q. You don't know?

13 A. No.

14 Q. Do you remember that the initiative was
15 to be announced on a presidential trip?

16 A. Something to that effect.

17 Q. When did you learn that Stargate was
18 going to be announced, Mr. Musk?

19 A. I don't recall.

20 Q. Did you have a role with the federal
21 government at the time the Stargate initiative
22 was announced?

23 A. I was an advisor.

24 Q. You were in frequent contact with the
25 President; isn't that right?

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1 A. Yes.

2 Q. When you learned that Stargate was to
3 be announced, you complained to White House
4 officials, didn't you?

5 A. I did.

6 Q. What did you tell them?

7 A. I said that there needs to be more than
8 one company that is supported in this way.

9 Q. Did you propose that your company xAI
10 be among the companies that were supported?

11 ATTORNEY MOLO: So I object. You're
12 asking questions that go to Phase II of the case.
13 If you want to describe how they go to Phase I
14 that's fine; but --

15 ATTORNEY SAVITT: Are you instructing
16 the witness not to answer?

17 ATTORNEY MOLO: I'm objecting, and
18 telling you that your questions are addressing
19 issues that relate to the competition part of the
20 case, which the judge has designated, quote,
21 Phase II claims.

22 ATTORNEY SAVITT: Mr. Molo, I'm aware of
23 that. Are you objecting?

24 ATTORNEY MOLO: So you are aware that
25 you're asking Phase II claims?

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1 ATTORNEY SAVITT: I don't think that is
2 right. If you have a relevance objection and you
3 wish to say --

4 ATTORNEY MOLO: That is a relevant
5 objection.

6 ATTORNEY SAVITT: Then state it and let
7 the witness answer the question. And if you want
8 to instruct him not to answer, we'll see about
9 that.

10 ATTORNEY MOLO: If you're going to go
11 down this line -- I've let you ask a few
12 questions. If you're going to go down this line,
13 we can get on the phone with the magistrate judge
14 and sort this out now, and it will make the day
15 much shorter for all of us. But we're not going
16 to go into Phase II claims in this deposition.

17 ATTORNEY SAVITT: So I'm going to ask my
18 questions, and you can keep your speeches for
19 yourself. And if you want to call the judge, you
20 can be my guest.

21 ATTORNEY MOLO: Okay.

22 BY ATTORNEY SAVITT:

23 Q. What did you tell White House officials
24 when you complained about Stargate?

25 A. Well, this is not pertinent to the case.

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1 THE VIDEOGRAPHER: This is the beginning
2 of Media Number 2. We're back on the record at
3 10:22 a.m.

4 ATTORNEY SAVITT: Are you going to make
5 an objection to --

6 ATTORNEY MOLO: So that's the
7 question -- okay. Objection. The question goes
8 to issues that are outside of Phase I, consistent
9 with the Court's orders in Dockets Number 237,
10 228, 199, 200 and 201.

11 So I instruct the witness not to answer.

12 BY ATTORNEY SAVITT:

13 Q. And, Mr. Musk, are you going to follow
14 your lawyer's instruction?

15 A. Yes.

16 Q. All right.

17 ATTORNEY SAVITT: Well, we certainly
18 disagree with your contention. We'll take this
19 matter up with the Court at a convenient time.
20 Naturally, we reserve our right to re-examine
21 Mr. Musk in respect to this and any other such
22 matter as you may choose to block on relevance
23 grounds.

24 BY ATTORNEY SAVITT:

25 Q. Did you -- do know who Peng Xiao is?

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1 A. I've met him a few times.

2 Q. Did you arrange a call with Peng and
3 other representatives of G42 before the Stargate
4 transaction was announced?

5 A. I don't recall.

6 Q. You don't recall. You may have, you
7 may have not, you don't know; correct?

8 A. Possible.

9 Q. You're aware, aren't you, sir, of
10 public reports that you told G42 and Peng that
11 they would have no chance of securing Mr. Trump's
12 backing, the president's backing, unless your own
13 company, xAI, was included in the deal?

14 A. No.

15 ATTORNEY MOLO: Objection. These
16 questions go to Phase II of the case pursuant to
17 orders 237, 228, 199, 200 and 201.

18 And I'm instructing the witness not to
19 answer consistent with the conversations that we
20 had off the record with defense counsel.

21 If it's okay with you, rather than cite
22 the docket numbers each time I make this
23 objection, if I can just say "the Court's orders,"
24 do we have an understanding --

25 ATTORNEY SAVITT: We do.

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1 A. It's a festival in the desert.
2 Q. The Musk Foundation has given a lot of
3 money to Burning Man, hasn't it?
4 A. It -- I think \$5 million.
5 Q. You attended Burning Man in 2017,
6 didn't you?
7 A. I may have.
8 Q. You were with Tim Schulz?
9 A. With who?
10 Q. Tim Schulz?
11 A. Who?
12 Q. Tim Schulz.
13 A. I don't recall.
14 Q. Do you know when Burning Man happens?
15 A. Labor Day weekend.
16 Q. Late August/early September?
17 A. Yeah.
18 Q. Do you know what rhino ket is?
19 A. No.
20 Q. Do you know what rhino ketamine is?
21 A. No.
22 Q. Do you recall, at Burning Man in 2017,
23 ingesting rhino ket?
24 A. No.
25 Q. Are you saying it didn't happen?