

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OKLAHOMA FIREFIGHTERS PENSION AND
RETIREMENT SYSTEM,

Plaintiff,

v.

ELON R. MUSK, ELON MUSK REVOCABLE
TRUST DATED JULY 22, 2003, EXCESSION,
LLC, AND JARED BIRCHALL,

Defendants.

No. 1:22-cv-03026-ALC-GWG

**JOINT STIPULATION AND ORDER
REGARDING REVISED SCHEDULE**

Lead Plaintiff Oklahoma Firefighters Pension and Retirement System (“Lead Plaintiff”) and Defendants Elon R. Musk, the Elon Musk Revocable Trust dated July 22, 2003, Excession LLC, and Jared Birchall (“Defendants” and, together with Lead Plaintiff, the “Parties”), by and through their undersigned counsel of record, hereby stipulate and agree as follows:

WHEREAS, on June 5, 2024, Magistrate Judge Gorenstein entered a scheduling order, which had been agreed by the Parties, that adjourned the previously entered deadlines “until the Court rules on Defendants’ motion to dismiss” and ordered the Parties to “submit a proposed revised schedule within 7 calendar days of the Court’s ruling on Defendants’ motion to dismiss” (ECF No. 103);

WHEREAS, on March 28, 2025, this Court entered its decision granting, in part, and denying, in part, Defendants’ Motion to Dismiss (ECF No. 118);

WHEREAS, on April 4, 2025, the Parties agreed to a joint stipulation and order revising the case schedule (ECF No. 129);

WHEREAS, in its June 9, 2025 Order, the Court adopted the briefing schedule proposed by the Parties (ECF No. 137);

WHEREAS, on August 21, 2025, the Parties agreed to a joint stipulation and order revising the case schedule (ECF No. 158);

WHEREAS, in its August 21, 2025 Order, the Court adopted the briefing schedule proposed by the Parties (ECF No. 160);

WHEREAS, on November 12, 2025, the Parties agreed to a joint stipulation and order revising the case schedule (ECF No. 219);

WHEREAS, in its November 12, 2025 Order, the Court adopted the briefing schedule proposed by the Parties (ECF No. 220);

WHEREAS, pursuant to the briefing schedule proposed by the Parties and entered by the Court on November 12, 2025, fact discovery is scheduled to close on January 23, 2026;

WHEREAS, Plaintiff noticed the deposition of Defendant Elon Musk for January 23, 2026 in Austin, Texas;

WHEREAS Mr. Musk is the Chief Executive Officer of Tesla, Inc. (headquartered in Austin, Texas), and holds executive positions at X.AI Corp. (headquartered in Palo Alto, CA), Space Exploration Technologies, Corp. (“SpaceX”) (headquartered in Starbase, Texas), Neuralink Corp. (headquartered in Fremont, California), and The Boring Company (headquartered in Bastrop, Texas);

WHEREAS Mr. Musk’s work on behalf of these companies places significant demands on his time and complicates the scheduling of his deposition in this matter;

WHEREAS Mr. Musk is unavailable on the noticed date of January 23, 2026 in Austin, Texas, as scheduling conflicts require his presence outside Texas.

WHEREAS, the Parties have conferred and agreed on a proposed extension of the existing case schedule, which adjusts certain discovery-related dates and the dates for pre-motion letters for summary judgment motions, but does not impact any trial date (which has not yet been scheduled);

WHEREAS, the Parties reserve the right to propose additional scheduling adjustments to the extent necessary;

WHEREAS, this is the Parties' fourth overall request for an adjustment to the schedule (the prior ones were necessitated by the filing of an amended complaint and motion to dismiss briefing and the discovery motion mentioned above), and it is their second request for an extension of the schedule related to discovery;

THEREFORE, as hereby stipulated and agreed by and between the undersigned counsel for the Parties, the Parties respectfully request that this Court enter the following schedule:

Event	Deadline
Fact Discovery Cutoff	March 27, 2026
Opening Expert Reports	April 17, 2026
Opposing Expert Reports	May 15, 2026
Expert Discovery Cut-off	June 5, 2026
Letters to Judge Carter seeking permission to file summary judgment and <i>Daubert</i> motions	June 26, 2026
Joint Pre-Trial Order as set forth in section 4.A of Judge Carter's Individual Practices	30 days after the Court's decision on any summary judgment motions.
Pre-trial filings required by section 4.B of Judge Carter's Individual Practices	21 days before trial.

All electronic signatures (“/s/”) are signed with consent of counsel pursuant to Rule 8.5 of this Court's Electronic Case Filing Rules and Instructions updated as of July 24, 2023.

IT IS SO STIPULATED.

Dated: 1/22/2026

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

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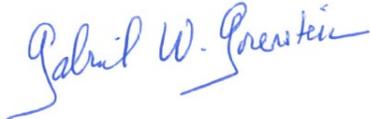
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*Counsel for Defendants Elon R. Musk, the
Elon Musk Revocable Trust dated July 22,
2003, Excession LLC, and Jared Birchall*

Dated: January 23, 2026



HON. GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE