

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

RICHARD J. TORNETTA, Individually)
and on Behalf of All Others Similarly)
Situated and Derivatively on Behalf of)
Nominal Defendant TESLA, INC.,)

Plaintiff,)

v.)

C.A. No. 2018-0408-KSJM

ELON MUSK, ROBYN M. DENHOLM,)
ANTONIO J. GRACIAS, JAMES)
MURDOCH, LINDA JOHNSON RICE,)
BRAD W. BUSS, and IRA EHRENPREIS,)

Defendants,)

and)

TESLA, INC., a Delaware Corporation,)

Nominal Defendant.)

ORDER ESTABLISHING TRIAL PROTOCOLS

The terms of this Order apply to the conduct of the trial and all trial-related events (the “Trial”) scheduled to begin at 9:15 a.m. on November 14, 2022, in Courtroom 7E (the “Courtroom”) of the Leonard L. Williams Justice Center (the “Courthouse”) in Wilmington, Delaware. Nothing in this Order shall restrict the power, authority or responsibility otherwise vested in the Court to control the conduct of any proceeding, maintain decorum and prevent distractions, guarantee the safety of the Courtroom, including any party or witness, and ensure the fair and impartial administration of justice in the pending case.

1. The Courthouse public entrance opens at 8:30 a.m. All persons attending the Trial must pass through an initial security screening at the entrance of the Courthouse and a second security screening at the entrance to the Courtroom. The Courtroom will be opened at 8:30 a.m. on each day of Trial.

2. To locate parking near the Courthouse, please contact Wilmington Parking Authority (<https://www.wilmingtonparking.com>) or Colonial Parking (<https://www.colonialparking.com>). Many of the lots surrounding the Courthouse are reserved for Courthouse employees. There will be signs, cones, ropes or other obvious indicators distinguishing employee spots from those available to the public. Any unauthorized vehicle parked in employee spots may be towed.

3. Allocation of seating in the gallery of the Courtroom will be on a first-come, first-served basis, except that Rows 1 and 2 will be reserved for media representatives. Courtroom 7F will serve as an overflow courtroom for the media and the public. Once capacity is reached, the courtrooms will be closed.

4. A one-hour lunch recess will be taken each day at approximately 12:30 p.m. and the Court will provide mid-morning and mid-afternoon breaks. With exceptions made for counsel and witnesses, any person exiting the Courtroom will not be able to return until the next break.

5. There will be no access to power outlets in the Courtroom.

6. No food or beverages other than water are allowed in Courtrooms 7E and 7F, with exceptions made for medical needs.

7. No person, except those involved in the proceedings and designated court personnel, will be permitted beyond the attorney bar of the Courtroom at any time.

8. Neither media representatives nor the general public have standing to address the Court or speak during the time Court is in session.

9. No electronic transmission, video recording, photography, sound recording or any other electronic duplication of the proceedings of any type is permitted in the courtroom.

10. The Capitol Police will be responsible for maintaining order and decorum in the Courthouse. All instructions given by the Capitol Police and orders of the Court must be complied with immediately.

11. Policies and procedures for media access to court proceedings have been adopted by the Judicial Branch¹ and the Court of Chancery.² These policies and procedures are incorporated by reference. If these policies and procedures conflict with this Order, this Order controls. The ultimate authority to supervise the hearing and all associated events and the application of such policies and procedures rests exclusively with the Court.

12. To be entitled to the privileges afforded to the press, media representatives may obtain media credentials prior to seeking admittance to the Courtroom. Media credentials shall be noticeably displayed by media representatives at all times while in the Courthouse. Media representatives may be required to show their media credentials upon

¹ Available at <https://courts.delaware.gov/aoc/operating-procedures/op-media.aspx>.

² Available at <https://courts.delaware.gov/chancery/laptops.aspx>.

request of the Capital Police or Court staff. Inquiries regarding media credentials are to be directed to Sean O’Sullivan, Chief of Community Relations, Administrative Office of the Courts.

13. Media representatives will be permitted to use electronic devices in the Courtroom, but solely for the purpose of notetaking, and only as long as the use does not cause a distraction. No electronic device brought into the Courtroom may be used during the Trial for electronic-based communications, including posting on social media, and electronic-based communications should be disabled to the extent practicable while the device is in the Courtroom. All sound or vibration notifications must be disabled while the device is in the Courtroom.

14. Media representatives may work in the Media Room on the first floor of the Courthouse. Please contact Sean O’Sullivan for access to the Media Room. In addition, the Courthouse law library located on the Second Floor will be available for media representatives to work. Workspace, power outlets, and Wi-Fi are available in both locations.

15. All media inquiries should be directed to Sean O’Sullivan.

/s/ Kathaleen St. Jude McCormick
Chancellor Kathaleen St. Jude McCormick
Dated: November 11, 2022