

**COURT OF CHANCERY
OF THE
STATE OF DELAWARE**

KATHALEEN ST. JUDE MCCORMICK
CHANCELLOR

LEONARD L. WILLIAMS JUSTICE CENTER
500 N. KING STREET, SUITE 11400
WILMINGTON, DELAWARE 19801-3734

September 22, 2022

Peter J. Walsh, Jr.
Kevin R. Shannon
Christopher N. Kelly
Mathew A. Golden
Callan R. Jackson
Potter Anderson & Corroon LLP
1313 North Market Street
Hercules Plaza, 6th Floor
Wilmington, DE 19801

Brad D. Sorrels
Daniyal M. Iqbal
Leah E. León
Wilson Sonsini Goodrich & Rosati, P.C.
222 Delaware Avenue, Suite 800
Wilmington, DE 19801

Edward B. Micheletti
Lauren N. Rosenello
Skadden, Arps, Slate, Meagher & Flom LLP
920 North King Street, 7th Floor
Wilmington, DE 19899

Jacob R. Kirkham
Kobre & Kim LLP
600 North King Street, Suite 501
Wilmington, Delaware 19801

Martin S. Lessner
Tammy L. Mercer
M. Paige Valeski
Young Conaway Stargatt & Taylor, LLP
1000 North King Street
Wilmington, Delaware 19801

Re: *Twitter, Inc. v. Elon R. Musk et al.*,
C.A. No. 2022-0613-KSJM

Dear Counsel:

The following motions are pending: Defendants' Second Motion to Amend;¹
Defendants' Fifth,² Sixth,³ and Seventh⁴ Discovery Motions; Defendants' Rule 5.1

¹ C.A. No. 2022-0613-KSJM Docket ("Dkt.") 440.

² Dkt. 422 (9/7/2022, seeking several categories of outstanding discovery).

³ Dkt. 468 (9/13/2022, seeking documents withheld on privilege grounds).

⁴ Dkt. 524 (9/16/2022, seeking to depose Mr. Falck, lift allegedly improper redactions from Slack threads, and cure alleged deficiencies in Plaintiff's production of account data).

Challenge;⁵ and Plaintiff's Fifth,⁶ Sixth,⁷ and Seventh⁸ Discovery Motions. Of these pending motions, I believe that Defendants' Fifth and Sixth Discovery Motions and Rule 5.1 Challenge and Plaintiff's Fifth Discovery Motion are fully submitted.

With the exception of the Second Motion to Amend, no additional replies or surreplies (beyond what I have already granted) will be permitted in connection with any of the pending motions. The following additional submissions shall be filed no later than the earlier of (i) the deadlines, if any, to which the parties have already committed, or (ii) 4:30 p.m. on Friday, September 23: Defendants' submissions in further support of the Second Motion to Amend; the parties' respective oppositions to Defendants' Seventh Discovery Motion; and the parties' respective oppositions in Twitter's Sixth and Seventh Discovery Motions. Please deliver one hard copy of each of these filings to my home and one to Chambers.

I may resolve some of the issues presented by the pending motions on the papers or give guidance as to others. Oral argument on everything else shall be held next Tuesday, September 27, 2022, beginning at 1:30 p.m. The court will circulate a public access line at a later time. Given the burden of ongoing discovery, if appearing remotely would be

⁵ Dkt. 495 (9/14/2022).

⁶ Dkt. 442 (9/10/2022, seeking documents withheld on privilege ground from Morgan Stanley and a privilege log).

⁷ Dkt. 531 (9/17/2022, seeking compliance with this court's earlier order to produce analyses performed by data science analysts).

⁸ Dkt. 532 (9/17/2022, seeking sanctions for an allegedly deficient production of text and electronic messages).

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easier on the parties than appearing in person, then, at the election of either Defendants or Plaintiff, the parties may present argument by Zoom.

Sincerely,

/s/ Kathaleen St. Jude McCormick

Kathaleen St. Jude McCormick
Chancellor

cc: All counsel of record (by *File & ServeXpress*)