

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIUSEPPE PAMPENA, et al.,

Plaintiffs,

v.

ELON MUSK,

Defendant.

Case No. 22-cv-05937-CRB

ORDER RE PRETRIAL MOTIONS

The Court held a pretrial conference on February 17, 2026. This Order summarizes the Court's rulings on the motions for the convenience of the parties.

A. Musk's Motion in Limine 1

The Court **GRANTS** the motion as to the Tesla tweets and Bankman-Fried/Combs messages. The Court **DENIES** the motion as to the issues related to the SEC investigation, but not the investigation itself or the subsequent litigation due to unfair prejudice.

B. Musk's Motion in Limine 2

The Court **GRANTS** the motion as to the book, with the exception of the excerpt agreed upon by the parties. The parties may still use the book to refresh a witness's recollection in accordance with the procedures outlined by the Court during the pretrial conference.

C. Musk's Motion in Limine 3

The Court **GRANTS** the motion as to Musk's politics. The Court will evaluate evidence of Musk's management of Twitter on a case-by-case basis.

D. Musk's Motion in Limine 4

The Court **DENIES** the motion. See Dkt. 454 (explaining the Court's reasoning in detail).

E. Musk's Motion in Limine 5

The Court **DENIES** the motion.

F. Plaintiffs' Motion in Limine 1

The Court **DEFERS** ruling on this motion because the evidence may be relevant and must be evaluated on a case-by-case basis. The parties are not permitted to refer to the extraneous legal proceedings in their opening statements.

G. Plaintiffs' Motion in Limine 2

The Court **GRANTS** the motion because any evidence related to what lawyers thought or said regarding the transaction implicates the attorney-client privilege and advice of counsel, which Musk has declined to raise as a defense. Evidence of public statements by lawyers is still admissible.

H. Plaintiffs' Motion in Limine 3

The Court **DENIES** this motion as Musk may, within reason, discuss damage calculation.

I. Plaintiffs' Motion in Limine 4

The Court **DENIES** the motion because what Musk saw or was told during the time period at issue is relevant. The Court **DEFERS** ruling on the privilege redactions for communications to third-party data scientists. If Musk wishes to pursue that evidence, he must provide the Court with unredacted copies to determine admissibility.

J. Plaintiffs' Motion in Limine 5

The Court **DEFERS** ruling on agent statements and will evaluate the evidence on a case-by-case basis.

K. Musk's Motion to Exclude (Adam Badawi)

The Court **GRANTS** the motion to the extent that the expert opines on party intent. Testimony regarding industry terms and practices is admissible.

L. Musk's Motion to Exclude (Emily Strauss)

The Court **GRANTS** the motion as the expert does not opine on the facts at issue and her testimony would not aid the jury.

M. Musk's Motion to Exclude (Christine Davis)

The Court **GRANTS** the motion as the expert is not necessary for motive evidence.

N. Musk's Motion to Exclude (David Tabak)

The Court **DENIES** the motion as Musk's arguments are more suited for cross-examination.

O. Plaintiffs' Motion to Exclude (Kenneth Lehn)

The Court **DENIES** the motion as Plaintiffs' arguments are more suited for cross-examination.

P. Plaintiffs' Motion to Exclude (Edward Rock)

The Court **DENIES** the motion as Musk's expert is an appropriate rebuttal expert to Professor Badawi, Plaintiffs' own expert. Musk's expert is subject to the same limitations as Professor Badawi in his testimony.

IT IS SO ORDERED.

Dated: February 27, 2026



CHARLES R. BREYER
United States District Judge