

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TESLA, INC., a Delaware  
corporation, )

Plaintiff, )

v. )

MARTIN TRIPP, an  
individual, )

Defendant. )

Case No.  
3:18-CV-00296-LRH-CBC

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MARTIN TRIPP, an  
individual, )

Counterclaimant, )

v. )

TESLA, INC., a Delaware  
corporation, )

Counterdefendant, )

CONFIDENTIAL

Videotaped Deposition of Elon Musk  
Los Angeles, California  
Friday, February 21, 2020

Michael P. Hensley, RDR, CSR No. 14114

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 TESLA, INC., a Delaware )  
corporation, )

4 Plaintiff, )

5 v. )

Case No.  
3:18-CV-00296-LRH-CBC

6 MARTIN TRIPP, an )  
7 individual, )

8 Defendant. )

9 MARTIN TRIPP, an )  
individual, )

10 Counterclaimant, )

11 v. )

12 TESLA, INC., a Delaware )  
13 corporation, )

14 Counterdefendant, )

15  
16 Videotaped Deposition of Elon Musk, commencing at  
17 the hour of 1:04 P.M. and concluding at the hour of  
18 3:32 P.M. on Friday, February 21, 2020, at the location  
19 of Mr. C Beverly Hills, 1224 Beverwil Drive,  
20 Los Angeles, California 90035 before Michael Hensley,  
21 Registered Diplomat Reporter, Certified Shorthand  
22 Reporter No. 14114, in and for the State of California.  
23  
24  
25

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Los Angeles, California  
Friday, February 21, 2020  
1:04 P.M. - 3:32 P.M.

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(Exhibits 1 and 2 were marked for identification.)

THE VIDEOGRAPHER: Good afternoon. Here begins Media Number 1 of Volume 1 to videotaped deposition of Elon Musk in the matter of Tesla, Inc., versus Martin Tripp. This case is in the United States District Court, District of Nevada. The case number 3:18-cv-00296-LRH-CBC.

Today's date is February 21st, 2020, and the time is 1:04 P.M. This deposition is being held at 1224 Beverwil Drive, Los Angeles, California 90035. The videographer is John Azpilicueta here with our certified court reporter Mike Hensley. We're both with Depo Dynamics.

At this time, would counsel please introduce yourselves and state whom you represent.

MR. FISCHBACH: Good afternoon. William Fischbach and Robert Mitchell for the Defendant and Counterclaimant, Martin Tripp.

MR. SPIRO: Alex Spiro and Jeanine Zalduendo on behalf of Mr. Musk.

THE VIDEOGRAPHER: Thank you. May the court

1 reporter please swear in the witness.

2 ELON MUSK,

3 having been first duly sworn, was examined and testified  
4 as follows:

5 EXAMINATION

6 BY MR. FISCHBACH:

7 Q. Sir, can I have your full name for the record.

8 A. Elon Reeve Musk.

9 Q. Mr. Musk, are you under the influence of any  
10 medications or controlled substances or anything that  
11 might impact your ability to give truthful and accurate  
12 deposition testimony here today, sir?

13 A. No.

14 Q. Sir, did you understand the oath you just took?

15 A. Yes.

16 Q. What does it mean to you?

17 A. How is this relevant to the testimony?

18 Q. Sir, I'm not here to answer your questions.  
19 You're here to answer my questions.

20 A. Okay.

21 Q. My question for you is, sir, do you understand  
22 the oath that you just took?

23 A. Yes, of course.

24 Q. What do you think it means?

25 A. To say the whole truth, nothing but the truth,



1 and to be truthful at the -- and more importantly to be  
2 truthful at the very core of the truth.

3 Q. You would agree with me that something isn't  
4 really true unless it's the whole truth; right,  
5 Mr. Musk?

6 A. This sounds like some sort of legalese, semantic  
7 argument. The -- what is the whole truth of something?  
8 You say, "Is that a tree? What kind of tree is it? Is  
9 it a tree with lots of leaves?" Or is -- if you're  
10 saying something is a tree is the whole truth? No, of  
11 course not.

12 So what is this, like, semantic trap you're  
13 attempting to create here?

14 Q. Mr. Musk, sir, again, I'm not here to answer  
15 your questions, sir.

16 A. But I can ask you for clarification, can I not?

17 Q. Sir, do you not understand the question?

18 A. No.

19 Q. You don't understand my question?

20 A. No, I don't.

21 Q. Do you or do you not agree with the statement  
22 that something isn't true unless it's the whole truth?

23 A. This -- this strikes me as sort of a typical,  
24 legal, trick question where you have a -- the question  
25 itself is framed in a way that is impossible to answer.

1 Q. Anything else you'd like to add to your answer,  
2 Mr. Musk?

3 A. No.

4 Q. Mr. Musk, before we got started here today, you  
5 asked my partner Robert Mitchell and I if we were doing  
6 this case on a contingent fee; is that correct?

7 A. Yes.

8 Q. Why did you think that was an appropriate  
9 question?

10 A. Because your client has not paid his -- I'm told  
11 he has not paid his child support payments and is in  
12 Hungary and refuses to come to the United States. And  
13 if so, he's not paying their child support payments, and  
14 they're probably not paying you. So probably you're on  
15 a contingency or you're taking that kid's money.

16 Which is it?

17 I guess you don't have to answer my questions.

18 Q. I don't, Mr. Musk.

19 Mr. Musk, the -- or I've handed you what has  
20 been marked as deposition Exhibit 1.

21 Sir, you're aware that we filed a motion to  
22 compel your deposition in this case; is that correct,  
23 sir?

24 A. Sure.

25 Q. Sir, during oral argument on that motion, the

1 judge, Judge Baldwin, said a few things to your prior  
2 lawyer, Mr. Gates. I want to read them to you right  
3 now.

4 This is the judge talking:

5 "If there are any shenanigans, Mr. Gates, by  
6 your client, he will -- I want to know immediately. So  
7 if there's any [behavior] of personal attacks, bullying,  
8 or not answering the proper questions, being snarky,  
9 anything that is going to be inappropriate" --

10 A. Mm-hmm.

11 Q. -- "I want a phone call when it happens, and I  
12 will consider shutting down the deposition... then  
13 having it rescheduled in my courtroom for seven hours."

14 A. Mm-hmm.

15 Q. "Am I clear on that? So I hope you can take  
16 some time and prep your client to make sure that he  
17 understands [that he's] not going to fly with this  
18 court. So we're not even going to go down that road.

19 "And if there's any indication that those types  
20 of behaviors are happening, and it's making it difficult  
21 or almost impossible for Mr. Fischbach to get through a  
22 deposition in the time frame that I've suggested, then I  
23 will reconsider this, and that's how I will likely  
24 handle it.

25 "So unless you would like to make a trip to

1 lovely Reno, I suggest that he simply answer the  
2 questions that are appropriately posed."

3 Did I read that correctly, Mr. Musk?

4 A. Yeah.

5 Q. Do you intend to comply with the judge's  
6 admonition there?

7 A. Of course.

8 Q. And to be fair, Mr. Musk, if you don't ask --  
9 understand a question I've asked, please ask me to  
10 rephrase it. And I'd be happy to do so, okay?

11 A. Yes. That's --

12 Q. However, sir --

13 A. That's what I will do.

14 Q. Thank you. If I -- or ask you a question and  
15 you answer it, I'm going to assume that you understood  
16 the question.

17 Is that fair?

18 A. Yes.

19 Q. Sir, I'm handing you what has been marked as  
20 deposition Exhibit 2.

21 Do you recognize this document?

22 MR. SPIRO: Take a moment to read it.

23 THE WITNESS: Yes.

24 BY MR. FISCHBACH:

25 Q. All right. Sir, is this your declaration that

1 you supported -- or that you submitted in opposition to  
2 your deposition?

3 A. I suppose it was.

4 Q. All right. Did you read this before you signed  
5 it?

6 A. Yeah.

7 Q. Is everything in this declaration true?

8 A. I certainly believed it to be true. Do you want  
9 me to read it in detail?

10 Q. I do not, Mr. Musk.

11 A. Yeah.

12 Q. I want to ask you, however, why this deposition  
13 would pose a substantial burden and hardship to you in  
14 this case.

15 A. Well, I have a lot of obligations to run two  
16 companies and make sure that the right thing happens  
17 there. This case, in my view, is a frivolous case  
18 brought by a counterparty who is just a terrible human  
19 being. And, frankly, if I may say so, I -- I'm troubled  
20 by your association with him.

21 So instead of me being able to do my duty for  
22 the companies, I'm here. This is not -- this is not --  
23 this is not -- does not serve anyone. It's not good.  
24 It's a waste of time.

25 Q. I think you knocked your microphone down,

1 Mr. Musk.

2 A. Yeah.

3 Q. Thank you.

4 THE VIDEOGRAPHER: Mr. Musk, if it could be on  
5 your jacket, please.

6 THE WITNESS: Yeah.

7 THE VIDEOGRAPHER: Thank you, sir.

8 BY MR. FISCHBACH:

9 Q. And, sir, if I understand you correctly, time is  
10 a very precious commodity for you, given the  
11 responsibilities you have to these various companies; is  
12 that true?

13 A. Yes. This is -- I have a lot of responsibility,  
14 and it's critical to execute that responsibility. If I  
15 am constantly deposed in cases that lack merit, as I  
16 view this one to be --

17 MR. FISCHBACH: May I have that marked, please?

18 (Exhibit 3 was marked for identification.)

19 BY MR. FISCHBACH:

20 Q. Sir, the court reporter has handed you what has  
21 been marked as deposition Exhibit 3. That is an email  
22 sent from Martin Tripp to you on May 16th of 2018.

23 The title of this email is "Stator Scrap Pareto  
24 (Month of April)"; correct?

25 A. Yes.

1 Q. And it references something called "NCM"; is  
2 that right?

3 A. Yes.

4 Q. NCM is shorthand for nonconforming material?

5 A. Yes.

6 Q. In other words, scrap; correct?

7 A. Yes.

8 Q. And the gist of this email is that Mr. Tripp is  
9 expressing concern to you regarding scrap in the  
10 Gigafactory; correct?

11 A. Yes.

12 Q. Does Tesla encourage the practice of its  
13 employees reaching directly out to the CEO if they see  
14 something that concerns them?

15 A. I do.

16 Q. In May of 2018 was the amount of scrap at the  
17 Gigafactory a serious concern for you?

18 A. Yes.

19 Q. Did you do anything in response to Mr. Tripp's  
20 email?

21 A. I -- I don't recall exactly what I did, but I  
22 wanted to -- like, I forwarded it on to have it be  
23 looked into.

24 (Exhibit 4 was marked for identification.)

25 MR. FISCHBACH: 4?

1 MR. SPIRO: Copy for me?

2 MR. FISCHBACH: That is your copy.

3 BY MR. FISCHBACH:

4 Q. Sir, the court reporter has handed you what has  
5 been marked as deposition Exhibit 4. This is an email  
6 originally from Mr. Tripp to you on June 10th and then a  
7 response from you to Mr. Tripp.

8 And in this email, you state "Getting scrap from  
9 when cells exit Panasonic to less than 1 percent needs  
10 to be a hardcore goal."

11 Did you actually write that?

12 A. Yeah.

13 Q. And when you say something, do you mean it?

14 A. Almost always.

15 Q. Okay. Well, should Tesla employees believe you  
16 when you make a statement like that?

17 A. Yes.

18 Q. So Mr. Tripp should have believed you when you  
19 stated that getting scrap down to 1 percent is a  
20 hardcore goal for the company?

21 A. Of course.

22 Q. Did you do anything in response to this email to  
23 meet that hardcore goal?

24 A. We did many things, and we have achieved it. No  
25 thanks to Tripp.



1 (Exhibits 5 and 6 were marked for identification.)

2 MR. FISCHBACH: There should be two articles.

3 MR. SPIRO: Do you have any extra?

4 MR. FISCHBACH: I gave you both articles at  
5 once.

6 MR. SPIRO: Okay.

7 THE REPORTER: Counsel, do you wish for these  
8 both to be one exhibit or two separate exhibits?

9 MR. FISCHBACH: Two separate, please.

10 BY MR. FISCHBACH:

11 Q. Mr. Musk, the court reporter has handed you what  
12 has been marked as deposition Exhibits 5 and 6. These  
13 are the Linette Lopez articles based on information from  
14 Mr. Tripp; correct?

15 A. Mm-hmm, yes.

16 Q. What did you think of Linette Lopez at the time  
17 these articles were published?

18 A. I don't recall exactly what I thought of her on  
19 June 4th, 2018.

20 Q. What about during that general time frame?

21 A. She appeared to be -- in fact, was -- writing  
22 articles that were -- misrepresented the situation at  
23 Tesla and was clearly taking confidential information.  
24 It was a combination of confidential information being  
25 published that was obviously violating somebody's

1 confidentiality agreement and false information.

2 Q. So this wasn't the first negative press that  
3 Ms. Lopez had published regarding Tesla before; correct,  
4 sir?

5 A. I mean, I don't know if she published something  
6 before June 4th or not.

7 Q. Would you agree with me that, at least at this  
8 point in time, you regarded her as somebody not friendly  
9 to Tesla?

10 A. I don't --

11 MR. SPIRO: Objection. Form.

12 THE WITNESS: I don't know.

13 BY MR. FISCHBACH:

14 Q. You don't understand the question, or you don't  
15 know whether or not she was friendly to Tesla based on  
16 those articles?

17 A. Right. I certainly don't know if she was  
18 friendly to Tesla. She's -- I mean, this -- these  
19 articles are clearly not positive or -- yeah.

20 I mean, I have, like, 10,000 things that I need  
21 to worry about to have Tesla operate effectively. This  
22 is 1 out of 10,000.

23 Q. What did you think about the person that  
24 provided the information to Lopez for those articles at  
25 the time you learned about them?

1 A. Well, it's -- clearly somebody is leaking  
2 confidential information, breaking their confidentiality  
3 agreement, and exaggerating the reality of what is going  
4 on.

5 Q. And how did you feel about that?

6 A. Well, obviously, I would feel as anyone would  
7 feel.

8 Q. Which was?

9 A. That Tesla was being wronged.

10 Q. What did you want to happen to the leaker when  
11 you found them?

12 A. Well, they would have to pay the appropriate  
13 legal penalty for violating their confidentiality  
14 agreement and misleading -- you know, not just leaking  
15 information, but in a way that is actively damaging to  
16 the company and, in some cases, false.

17 Q. Now, both of these articles reference scrap in  
18 the Gigafactory; correct?

19 MR. SPIRO: You can take a minute to read the  
20 articles if you want to.

21 THE WITNESS: Absolutely.

22 MR. FISCHBACH: Well, we'll go off the record if  
23 he's going to read the whole articles.

24 MR. SPIRO: Well, you're asking him a question  
25 about the articles. You asked the question.

1 MR. FISCHBACH: Right.

2 MR. SPIRO: So we're not --

3 MR. FISCHBACH: But I'm not going to let him  
4 chew up time that way.

5 MR. SPIRO: He's not chewing up time. You're  
6 asking him a question. He's been rapid firing answering  
7 you. That's not fair.

8 MR. FISCHBACH: Let's go off the record.

9 THE VIDEOGRAPHER: We are going off the  
10 record --

11 THE WITNESS: Well, do you want me to answer  
12 questions about an article? In which case, I need to  
13 read the article.

14 THE VIDEOGRAPHER: Going off the record. Time  
15 is 1:18 P.M.

16 MR. FISCHBACH: Take your time, sir.

17 (A discussion was held off the record.)

18 THE VIDEOGRAPHER: Going back on the record.  
19 Time is 1:18 P.M.

20 BY MR. FISCHBACH:

21 Q. Mr. Musk, I think it's clear what you're trying  
22 to do here; so let me rephrase the question.

23 MR. SPIRO: I'll object to the colloquy. Just  
24 answer -- just ask questions. All right?

25 MR. FISCHBACH: Anything else?

1 MR. SPIRO: Not right now.

2 THE WITNESS: I think what the judge said  
3 applies to both of us.

4 MR. SPIRO: Yeah, you're not kidding.

5 MR. FISCHBACH: Thank you, Mr. Musk.

6 BY MR. FISCHBACH:

7 Q. There were two articles published by Linette  
8 Lopez regarding scrap. And Mr. Tripp had sent you two  
9 emails regarding scrap; correct, sir?

10 A. Probably correct. I don't think a lot about  
11 Linette Lopez.

12 Q. All right. So if Mr. Tripp is the leaker, and  
13 he's also emailing you regarding scrap in the  
14 Gigafactory, that's not a very good way to cover up his  
15 tracks if he's leaking information to Lopez, is it?

16 MR. SPIRO: Objection. Form.

17 You can answer if you understand it.

18 THE WITNESS: I mean, it could be a way to cover  
19 up tracks. I don't know. It's not -- you know, it's --  
20 I'm not sure that's -- the question is a sensible  
21 question. But it's not -- it's not a question that  
22 makes sense in my view.

23 BY MR. FISCHBACH:

24 Q. All right. Well, did it ever occur to you that  
25 Mr. Tripp was genuinely concerned about scrap levels in

1 the Gigafactory and Tesla's seeming indifference to  
2 those scrap levels?

3 A. When I first received email from Tripp, I  
4 thought he was sane and genuine. And later, information  
5 revealed he appeared to not be sane or at least  
6 partially be insane and not be genuine and to be acting  
7 out of malice.

8 Q. And sitting here today, you -- you dispute the  
9 veracity of the information that Mr. Tripp provided to  
10 Ms. Lopez; is that correct, sir?

11 MR. SPIRO: Objection as to form. Which  
12 information?

13 THE WITNESS: He clearly provided scrap  
14 information that was far in excess of reality in some  
15 cases.

16 MR. FISCHBACH: Mark that, please.

17 THE WITNESS: I believe at one point he --

18 THE REPORTER: Just a moment.

19 THE WITNESS: Sorry.

20 THE REPORTER: Thank you.

21 (Exhibit 7 was marked for identification.)

22 MR. FISCHBACH: Ready?

23 BY MR. FISCHBACH:

24 Q. Sir, the court reporter has handed you what has  
25 been marked as deposition Exhibit 7. These are two

1 emails that you sent to all Tesla personnel; is that  
2 correct, sir?

3 A. Yes.

4 Q. And do you recognize these emails?

5 A. Yeah.

6 Q. And this email -- or both emails were sent  
7 shortly after Mr. Tripp was identified as the Business  
8 Insider leaker; correct, sir?

9 A. Well, not that long. Oh, I don't know when he  
10 was identified as the -- this says June 18th. I'm not  
11 sure exactly what the date is that he was identified as  
12 the leaker.

13 Q. Well, I'll avow to you that he was interrogated  
14 by Tesla personnel on June 15th --

15 A. Okay.

16 Q. -- and June 16th.

17 A. Okay.

18 Q. Approximately how many Tesla employees were  
19 there at the time this email was sent?

20 A. I don't know the exact number. If -- 30,000  
21 perhaps.

22 Q. You wrote in this email "I was dismayed to  
23 learn... about a Tesla employee who had conducted quite  
24 extensive and damaging sabotage to our operations. This  
25 included making direct code changes to the Tesla

1 Manufacturing Operating System under false usernames and  
2 exporting large amounts of highly sensitive Tesla data  
3 to unknown third parties."

4 Did I read that correctly, sir?

5 A. Yes.

6 Q. And the employee you're referring to here is  
7 Mr. Tripp; correct?

8 A. Yes. I do not mention him by name, but, yes,  
9 that's -- that is who I was referring to.

10 Q. What evidence did you have at the time that you  
11 sent this email that Mr. Tripp had conducted, quote,  
12 "extensive and damaging sabotage" to Tesla's operations?

13 A. This is the -- the substance of the information  
14 that was conveyed to me by Tesla's security team.

15 Q. Okay. So your attorney -- your prior attorney  
16 suggested that I look up the definition of sabotage.  
17 And in Merriam-Webster, it's defined as, quote,  
18 "Destruction of an employer's property (such as tools or  
19 materials) or the hindering of manufacturing by  
20 discontented workers."

21 Did Mr. Tripp inflict any physical harm to the  
22 Gigafactory?

23 MR. SPIRO: Is that the whole definition?

24 MR. FISCHBACH: Is that an objection?

25 MR. SPIRO: Well, if -- this question's



1 misleading, yeah. It's an objection to form.

2 MR. FISCHBACH: All right. The objection is  
3 noted.

4 BY MR. FISCHBACH:

5 Q. Please answer the question, Mr. Musk.

6 A. I -- I suspect he probably did, but we do not  
7 have evidence of that that's 100 percent in this regard.

8 Q. Did Mr. Tripp destroy any batteries or equipment  
9 at the Gigafactory?

10 A. Not that -- not that we caught him doing.

11 Q. Were production levels of the Gigafactory  
12 hindered at all due to Mr. Tripp's conduct?

13 A. Probably.

14 Q. Do you have any evidence to support that,  
15 Mr. Musk?

16 A. We did not catch him doing it.

17 Q. You go on to state "The full extent of his  
18 actions are not yet clear."

19 So at the time you made this statement, you  
20 didn't have a complete investigation of the facts, did  
21 you, Mr. Musk?

22 A. We had to -- there were a lot of -- a lot of  
23 negative facts conveyed to me, or believed to be facts,  
24 by security team. And it appeared to be just the tip of  
25 the iceberg.

1 Q. Sir, but my question was, at the time you made  
2 this statement, you did not have a complete  
3 investigation of the facts, did you?

4 MR. SPIRO: Objection to form.

5 THE WITNESS: We did not have a complete  
6 investigation of the facts, but the facts that had come  
7 to light were extremely bad.

8 BY MR. FISCHBACH:

9 Q. All right. Do you do this often, make  
10 statements to all your employees before you have all the  
11 facts?

12 MR. SPIRO: Objection to form.

13 THE WITNESS: I think this notion that one can  
14 have all the facts is -- is, again, sort of an example  
15 of legal trickery.

16 BY MR. FISCHBACH:

17 Q. You go on to write "However, there may be  
18 considerably more to this situation than meets the eye;  
19 so the investigation will continue in depth this week.  
20 We need to figure out if he was acting alone or with  
21 others at Tesla and if he was working with any outside  
22 organizations.

23 "As you know, there are a long list of  
24 organizations that want Tesla to die. These include  
25 Wall Street short-sellers, who have already lost

1 billions of dollars and stand to lose a lot more. Then  
2 there are the oil and gas companies, the wealthiest  
3 industry in the world. They don't love the idea of  
4 Tesla advancing the progress of solar power and electric  
5 cars. Don't want to blow your mind, but rumor has it  
6 that those companies are sometimes not super nice.

7 "Then there [all] the multitude of big  
8 gas/diesel car company competitors. If they're willing  
9 to cheat so much about emissions, maybe they're willing  
10 to cheat in other ways?

11 "Most of the time, when there is theft of goods,  
12 leaking of confidential information, dereliction of  
13 duty, or outright sabotage, the reason [is really]  
14 something simple like wanting to get back at someone  
15 within the company or at the company as a whole.  
16 Occasionally, it is much more serious."

17 Are short-sellers and big oil companies --  
18 sorry, short-sellers, big oil companies, and traditional  
19 car companies enemies of Tesla in your view, Mr. Musk?

20 MR. SPIRO: Objection to form.

21 THE WITNESS: I wouldn't say that they're  
22 initially enemies, but they have interests contrary to  
23 that of Tesla.

24 BY MR. FISCHBACH:

25 Q. Okay. And according to you in that email, they

1 want to see Tesla die; correct?

2 A. Some of them do.

3 Q. Why did you feel the need to reference  
4 short-sellers and big oil and competitor car companies  
5 and their desire to see Tesla die in this email about  
6 Mr. Tripp?

7 MR. SPIRO: Objection to form.

8 You can answer if you can.

9 THE WITNESS: I mean, I'm simply listing the --  
10 that there are a lot of people and organizations out  
11 there who have interests contrary to Tesla that people  
12 may not be aware of.

13 BY MR. FISCHBACH:

14 Q. Okay. What was the point of you linking those  
15 outside interests, the big oil and the short-sellers and  
16 the car companies, to Mr. Tripp?

17 MR. SPIRO: Objection to form. Assumes facts.

18 THE WITNESS: This was not implying that he  
19 somehow works for all of those people, but -- but  
20 that -- it's possible that he could.

21 BY MR. FISCHBACH:

22 Q. At the time you sent that email, did you have  
23 any evidence that Mr. Tripp was working with  
24 short-sellers?

25 A. On this -- on June 18th?

1 Q. Yes.

2 A. No. I wouldn't say that we had direct evidence.

3 Q. Did you have any evidence that Mr. Tripp was  
4 working with oil and gas companies?

5 A. No.

6 Q. Did you have any evidence that Mr. Tripp was  
7 working with big gas/diesel car companies that are  
8 Tesla's competitors?

9 A. No.

10 Q. So sitting here today, you have no evidence that  
11 Mr. Tripp was working with short-sellers, oil and gas  
12 companies, or big gas/diesel car companies during his  
13 employment with Tesla; is that correct, sir?

14 MR. SPIRO: Objection. Compound.

15 THE WITNESS: The -- there did appear to be a  
16 link to Jim Chanos, a prominent short-seller of Tesla  
17 who is closely associated with Linette Lopez, and the  
18 information that Lopez was publishing was beneficial to  
19 Chanos.

20 BY MR. FISCHBACH:

21 Q. Anything else?

22 A. No.

23 Q. Did you know about the supposed link with  
24 Mr. Chanos when you sent that email?

25 A. I'm not certain.

1 Q. You followed up with an email on June 18th,  
2 "...last night we had another strange incident that was  
3 hard to explain. Small fire on the body-in-white  
4 production line. No one was in the area and there were  
5 no injuries or significant equipment damage, but it was  
6 enough to stop the body production line for several  
7 hours.

8 "Could just be a random event, but as Andy Grove  
9 said, 'Only the paranoid survive.' Please be on the  
10 alert for anything that's not in the best interest of  
11 our company. If you aren't getting a respondent from  
12 the emdesk email, please send me a note directly."

13 Sir, did you think that Mr. Tripp had anything  
14 to do with the fire in the body-in-white line?

15 A. No.

16 Q. Then why did you follow up your prior email  
17 regarding Mr. Tripp with an email about this fire?

18 MR. SPIRO: Objection. Form.

19 THE WITNESS: It's just one of a series of  
20 incidents that was concerning. There were just a lot of  
21 unexplained incidents that caused the Tesla production  
22 line to get to -- to fall out that were in our  
23 electronic control system and -- yeah. It's just that  
24 there were a lot of incidents that stopped the line and  
25 there was no clear explanation for why the -- why these

1 things happened.

2 BY MR. FISCHBACH:

3 Q. Okay. When you sent out that email, did you  
4 have any evidence that Mr. Tripp had anything to do with  
5 that fire?

6 A. No.

7 Q. You have a quote in here, "Only the paranoid  
8 survive." Did something that Mr. Tripp did make you  
9 feel paranoid, Mr. Musk?

10 A. Well, no. This is a quote from Andy Grove where  
11 he's essentially saying that you should not be  
12 complacent and you should take potential threats  
13 seriously. And that is the -- an appropriate duty of  
14 the CEO of the company.

15 Q. Do you consider yourself a paranoid person?

16 A. No.

17 Q. Have there been fires in Tesla facilities before  
18 June 18th of 2018?

19 MR. SPIRO: Objection. That's outside the  
20 scope.

21 THE WITNESS: Yes.

22 MR. SPIRO: You don't have to answer if I say --

23 THE WITNESS: Sure.

24 MR. SPIRO: -- it's outside the scope.

25 THE WITNESS: Okay. Sure. All right. Sure,

1 yeah.

2 MR. SPIRO: That answer can -- that answer can  
3 stand.

4 THE WITNESS: Okay.

5 MR. SPIRO: And let's move on to something  
6 inside the scope.

7 MR. FISCHBACH: Well, I disagree. Let me follow  
8 it up with a different question.

9 BY MR. FISCHBACH:

10 Q. When there were fires on other occasions in the  
11 Tesla factory, did you send out an email like that to  
12 all employees?

13 MR. SPIRO: Objection. Form. Objection.  
14 Outside the scope.

15 If you can answer that, you can answer it.  
16 We'll move on to other subjects.

17 THE WITNESS: I think I sent out a few emails  
18 because I was concerned about -- there were just a lot  
19 of incidents that were unexplained that -- yeah. They  
20 have an off camera -- security cameras weren't working  
21 in that particular area. There was -- there were a lot  
22 of sort of strange things that occurred with no  
23 explanation. Yeah.

24 MR. FISCHBACH: 8?

25 THE REPORTER: Yes.



1 (Exhibit 8 was marked for identification.)

2 BY MR. FISCHBACH:

3 Q. Mr. Musk, the court reporter has handed you what  
4 has been marked as deposition Exhibit 8. This is an  
5 exchange between you and Mr. Tripp on June 20th of 2018;  
6 correct, sir?

7 A. Yes.

8 Q. And I'll avow to you, sir, that June 20th is  
9 also the same day that Tesla filed its lawsuit against  
10 Mr. Tripp.

11 Are you aware of that?

12 A. June 20th?

13 Q. Yes, sir.

14 A. Now that you mention it, I am.

15 Q. And it first started -- the first message was  
16 from Mr. Tripp to you at 8:57 A.M.; is that right, sir?

17 A. Yes.

18 Q. Subject of the email is "Termination/Lawsuit"?

19 A. Mm-hmm.

20 Q. And that's your Tesla email address?

21 A. It doesn't state my email address, but it --  
22 assume it is.

23 Q. Erm@tesla.com?

24 A. It doesn't show ERM.

25 Q. But is that your Tesla email address, sir?

1 A. Yes.

2 Q. And that's not a secret within the company, is  
3 it, sir?

4 A. No.

5 Q. Is it your common practice to communicate with  
6 employees that Tesla has recently fired?

7 A. It's not common.

8 Q. Why did you respond to this email from  
9 Mr. Tripp?

10 A. I mean, he sent me an email that was clearly a  
11 very threatening email saying I have what's coming to  
12 me. And so I said -- replied to him that "Threatening  
13 me only makes it worse for you."

14 Q. Did he threaten your physical safety?

15 A. I took that to imply that it could be a physical  
16 threat, yes.

17 Q. It said "Don't worry. You have what's coming to  
18 you for the lies you have told to the public and  
19 investors."

20 You took that as a threat to your physical  
21 safety, Mr. Musk?

22 MR. SPIRO: Objection. Form. Asked and  
23 answered.

24 THE WITNESS: Yes.

25 ///

1 BY MR. FISCHBACH:

2 Q. Why was it so important that you get personally  
3 involved in this dispute with Mr. Tripp?

4 MR. SPIRO: Objection to form.

5 THE WITNESS: It is -- it is not usual for --  
6 it's not common for me to get involved in individual  
7 disputes, but it's also not common for me to have -- for  
8 some -- somebody to interact with me in this way; so --

9 BY MR. FISCHBACH:

10 Q. You go on to state "You should [be] ashamed of  
11 yourself for framing other people. You're a horrible  
12 human being"; is that right, sir?

13 A. Yes. I do think he's a horrible human being,  
14 yes. I'm quite convinced of that actually.

15 Q. Thank you.

16 A. Yeah.

17 Q. How did he frame -- who did he frame?

18 A. When he was stealing the data from Tesla, he  
19 logged in as -- with other people's usernames in order  
20 to hide his tracks and make it look like they were the  
21 ones taking the data, not him.

22 Q. But who? Give me a name, please.

23 A. I don't recall the names offhand, but it was  
24 he -- he logged in with multiple other usernames. And I  
25 believe at first we -- we actually thought the person

1 who had taken the data was someone else because --  
2 because he had logged in with their name. And so that's  
3 what I would -- any reasonable person would call framing  
4 somebody else.

5 Q. And you were taking this incident with Mr. Tripp  
6 personally, it looks like; is that right, Mr. Musk?

7 A. I -- I did take it personally in that he was --  
8 it seemed like this is someone who had gone out of his  
9 way to harm the company.

10 Q. And --

11 A. And he was -- he had betrayed our trust. He  
12 betrayed his confidentiality agreement. He had just  
13 been an awful person who had done harm to the company.

14 Q. I want to get your -- I want to understand your  
15 definition of a "horrible human being," Mr. Musk.

16 Steven Paddock, the Las Vegas shooter, is that a  
17 horrible human being in your opinion?

18 MR. SPIRO: Objection. Form.

19 THE WITNESS: Of course.

20 MR. SPIRO: And if you know anything about these  
21 people that he asks you about.

22 BY MR. FISCHBACH:

23 Q. Do you think Jeffrey Epstein was a horrible  
24 human being?

25 A. Yes.

1 Q. Are you equating Mr. Tripp with Mr. Paddock and  
2 Mr. Epstein by calling him a horrible person?

3 MR. SPIRO: Objection to form.

4 THE WITNESS: No. I mean, again, you're  
5 engaging in legal trickery.

6 BY MR. FISCHBACH:

7 Q. Sir, you know what a synonym is; correct?

8 A. Yes.

9 Q. All right. So synonyms for horrible are words  
10 like "terrible," "vile," "detestable," "loathsome."

11 On June 20th, did you view Mr. Tripp as a  
12 terrible human being?

13 MR. SPIRO: Objection. Form.

14 THE WITNESS: Pretty awful human being for sure.

15 BY MR. FISCHBACH:

16 Q. My question was did you view him as a terrible  
17 human being?

18 MR. SPIRO: Objection to form.

19 You can answer.

20 THE WITNESS: I mean, maybe I wouldn't use the  
21 word "terrible" exactly, but pretty awful. He's  
22 obviously not as bad as someone who has shot people.  
23 But people can use the word like "I had a terrible  
24 meal." They don't mean to equate the meal with somebody  
25 being killed. It's just that the -- well, there's --

1 "horrible" and "terrible" cover a wide range of -- of  
2 opinions.

3 BY MR. FISCHBACH:

4 Q. So Mr. Tripp was like a bad meal for you?

5 A. Do you -- do you wish to spend this -- this  
6 deposition engaging in legal trickery or asking at real  
7 questions?

8 Q. Mr. Musk, can you please answer my question,  
9 sir.

10 MR. SPIRO: Was it like a bad meal? That's the  
11 question pending.

12 THE WITNESS: No, it's not like a bad meal.

13 BY MR. FISCHBACH:

14 Q. Do you think it was reckless for Lopez to  
15 publish this information from Mr. Tripp without  
16 verifying it?

17 A. Yes.

18 MR. SPIRO: Objection. Relevance.

19 THE WITNESS: Oh.

20 MR. SPIRO: Form.

21 You can answer.

22 THE WITNESS: Yes. More than reckless.

23 BY MR. FISCHBACH:

24 Q. You go on to state "However, betraying your word  
25 of honor, breaking the deal you had when Tesla gave you

1 a job, and framing your colleagues are wrong and come  
2 with some legal penalties. So it goes. Be well."

3 You also thought Mr. Tripp was a traitor;  
4 correct, sir?

5 A. I -- I guess.

6 Q. Well, you said he --

7 A. -- of course.

8 Q. He betrayed his word of honor; correct?

9 A. Yes.

10 Q. So he's a traitor?

11 A. To -- to Tesla, yes, of course.

12 Q. He's a horrible human being and a traitor in  
13 your mind; correct?

14 A. He's a bad person for sure.

15 Q. You state "So it goes." I've seen you use that  
16 phrase in other places. What does that phrase mean to  
17 you?

18 MR. SPIRO: Objection to the windup colloquy.

19 BY MR. FISCHBACH:

20 Q. You can answer the question, Mr. Musk.

21 A. It's just a way of saying that that's life.

22 Q. And you also wrote "Be well." Did you really  
23 wish Mr. Tripp good fortune when you said that?

24 A. Probably not.

25 Q. Did you wish him good health?

1 A. I don't wish anyone bad health.

2 Q. Hmm. Well, then why did you say "Be well"?

3 A. Neither here nor there.

4 Q. You don't know why you said "Be well"?

5 MR. SPIRO: Objection. Asked and answered.

6 THE WITNESS: It's an off-the-cuff comment.

7 BY MR. FISCHBACH:

8 Q. You mention "legal penalties." What penalties  
9 did you have in mind?

10 A. Whatever is appropriate under the law for  
11 breaking confidentiality agreement and leaking vast  
12 amounts of confidential information and misleading  
13 journalists about the state of the company.

14 Q. Did you have a particular penalty in mind,  
15 though?

16 A. I do not know of a particular penalty. It's  
17 whatever is appropriate under the law.

18 Q. Now, most people would regard a penalty as a  
19 form of punishment. Did you want Mr. Tripp punished for  
20 his conduct?

21 MR. SPIRO: Objection to form.

22 And don't answer anything that you've had --  
23 that has to do with conversations you've had with  
24 counsel.

25 MR. FISCHBACH: I agree with that, sir.



1 MR. SPIRO: All right.

2 THE WITNESS: Sure; so --

3 BY MR. FISCHBACH:

4 Q. My question was most people would consider  
5 penalty a form of punishment. Did you want to see  
6 Mr. Tripp punished for his conduct?

7 MR. SPIRO: And objection to form as to "most  
8 people."

9 But if you can understand that, you can answer  
10 it.

11 THE WITNESS: I thought if somebody engages in  
12 repeated and willful violation of their confidentiality  
13 agreement in a manner which is egregious and selectively  
14 leaks that information in a way that is very harmful to  
15 the company and we do nothing, then -- and I -- I as CEO  
16 do nothing on the company, I am not serving the interest  
17 of the company.

18 BY MR. FISCHBACH:

19 Q. So when you talked about him receiving  
20 significant -- or receiving some legal penalties, was he  
21 going to get what was coming to him in your mind,  
22 Mr. Musk?

23 MR. SPIRO: Objection to form.

24 You can answer that.

25 THE WITNESS: No. I think he -- the -- he would

1 pay the appropriate legal penalty.

2 BY MR. FISCHBACH:

3 Q. He was going to get what was coming to him;  
4 right?

5 MR. SPIRO: Objection to form.

6 THE WITNESS: That's not how I put it.

7 MR. FISCHBACH: 9?

8 THE REPORTER: Correct.

9 (Exhibit 9 was marked for identification.)

10 BY MR. FISCHBACH:

11 Q. Mr. Musk, this exhibit, Exhibit 9, that the  
12 court reporter handed you, this is an email from  
13 yourself to Julia Wong.

14 She's a reporter with The Guardian; correct?

15 A. Yeah.

16 Q. Had you ever communicated with Julia Wong before  
17 this email exchange on June 20th?

18 A. I don't recall. Possibly, but I don't recall.

19 Q. And if I could direct your attention to the  
20 second to last page, Mr. Musk, it appears that Ms. Wong  
21 initiated this email communication with you because she  
22 had questions about the lawsuit that Tesla had initiated  
23 that day; is that correct, sir?

24 A. Yes.

25 Q. Now, Tesla has a communications team to respond

1 to press inquiries; is that correct, sir?

2 A. Yes. We -- well, yeah, we have communications  
3 team.

4 Q. And you don't respond personally to every press  
5 inquiry received, do you, sir?

6 A. No.

7 Q. But you responded to this one; correct?

8 A. This one was directed to me, and at times I do  
9 respond directly.

10 Q. And in this case the inquiry had to do with  
11 Mr. Martin Tripp; correct?

12 A. Yes.

13 Q. The same Martin Tripp that earlier that day you  
14 had called a horrible human being and a traitor;  
15 correct?

16 MR. SPIRO: Objection. Misstates the evidence.  
17 I don't remember the word "traitor" being in the email.  
18 Was it?

19 BY MR. FISCHBACH:

20 Q. You can answer the question, Mr. Musk.

21 A. This is a person that I -- that I thought was a  
22 horrible human being and had betrayed the trust of the  
23 company.

24 Q. Thank you, sir.

25 You wrote "Tripp sent me a threatening email

1 this morning. Below is the exchange. I was just told  
2 that we received a call at the Gigafactory that he was  
3 going to come back and shoot people. The police have  
4 been alerted and we have posted additional security.  
5 Our comms team can fill you in."

6 What was Mr. Tripp going to shoot people with,  
7 Mr. Musk?

8 A. What was Mr. Tripp -- what do you mean "What was  
9 Mr. Tripp going to shoot people with?"

10 Q. Well, you wrote in here "I was just told that we  
11 received a call at the Gigafactory that he was going to  
12 come back and shoot people."

13 I'm asking you what was he going to come back  
14 and shoot people with?

15 A. Guns. What do you mean?

16 Q. Well, what kind of gun? A rifle?

17 A. I don't know what kind of guns.

18 Q. A shotgun?

19 MR. SPIRO: Objection. Asked and answered.

20 THE WITNESS: What -- what is the point of  
21 asking me what type of guns he has? I -- I don't know  
22 what type -- I don't know what guns he has.

23 BY MR. FISCHBACH:

24 Q. Do you know whether or not he was going to come  
25 back with an automatic or semiautomatic weapon?

1 A. I was -- I was simply told by security that  
2 the -- we received a call saying that -- that Marty  
3 Tripp was going to -- was -- was on his way to the  
4 Gigafactory and was heavily armed, was extremely  
5 volatile and angry, and it sounded like he was going to  
6 try to shoot everyone.

7 Q. So when you sent this email to Julia Wong, you  
8 didn't know what kind of gun Mr. Tripp was going to come  
9 back and shoot people with, did you, Mr. Musk?

10 A. No. But I was told he was heavily armed.

11 Q. And you didn't know what kind of --

12 A. Presumably, that is not a small gun.

13 Q. You didn't know what kind of ammunition  
14 Mr. Tripp was going to use, did you, Mr. Musk?

15 A. No. It -- I was told he was heavily armed, and  
16 that usually means something much bigger than a handgun.

17 Q. All right. You didn't know whether or not he  
18 was going to use an automatic, a semiautomatic weapon,  
19 did you, Mr. Musk?

20 A. No. I was simply told that he was heavily  
21 armed, volatile, and on his way to the Gigafactory.

22 Q. How was he going to get back to the Gigafactory?

23 MR. SPIRO: Objection to form.

24 THE WITNESS: I don't know. By car presumably.

25 ///

1 BY MR. FISCHBACH:

2 Q. Well, did you know?

3 A. No. But, I mean, people -- he would just  
4 get there -- go there by car or, like -- it's not like  
5 it's in a secure location.

6 Q. But you didn't know how Mr. Tripp was going to  
7 go back to the Gigafactory -- did you, sir? -- when you  
8 made that statement?

9 A. Do you mean what form of transport he would use?

10 Q. Yes.

11 A. I mean, presumably he'd drive. I mean, I don't  
12 think he would use a helicopter or walk.

13 Q. Who made the call?

14 A. Who made what call?

15 Q. The call that you reference in here, "We [just]  
16 received a call at the Gigafactory."

17 Who made the call?

18 A. I don't know who made the call.

19 Q. Did the caller have an accent?

20 A. I was not on the -- I was not on the phone when  
21 this person called.

22 Q. Did the caller have an accent?

23 MR. SPIRO: Objection.

24 THE WITNESS: I don't know if this caller had an  
25 accent.

1 MR. SPIRO: Asked and answered. Form. He has  
2 no idea.

3 BY MR. FISCHBACH:

4 Q. The Gigafactory is outside of Reno, Nevada; is  
5 that correct, sir?

6 A. Yes. It's, like, 15 minutes east of Reno.

7 Q. And the call center is actually in Las Vegas; is  
8 that right?

9 MR. SPIRO: If you know.

10 THE WITNESS: We have a call center in Las  
11 Vegas.

12 BY MR. FISCHBACH:

13 Q. Do you know whether or not this call was  
14 received at the actual Gigafactory in Reno or at your  
15 call center in Las Vegas?

16 A. I don't know.

17 As I said, I was simply told -- and this is  
18 obviously a very serious matter -- that Marty Tripp is  
19 heavily armed, extremely angry, and on his way to  
20 Gigafactory.

21 And if, when you receive something like that,  
22 it's a credible threat, you have to take such threats  
23 seriously. If you don't take them seriously, there  
24 could be a lot of people that die.

25 Q. And Tesla had informed the sheriff's department

1 immediately after receiving that call; correct, sir?

2 A. Yes.

3 Q. Do you know what time that call came in?

4 A. I don't know. I do not know.

5 Q. All right. You're not aware that it came in at  
6 1:50 P.M. in the afternoon?

7 MR. SPIRO: Objection to form. Asked and  
8 answered. He said he doesn't know.

9 (Exhibit 10 was marked for identification.)

10 BY MR. FISCHBACH:

11 Q. Sir, the court reporter has handed you -- or at  
12 least it's by your right hand --

13 MR. SPIRO: By your right hand.

14 BY MR. FISCHBACH:

15 Q. -- deposition Exhibit 10. This is from Shamara  
16 Bell, the individual that received the call. "Received  
17 a call. Caller preferred to remain unknown. Friend of  
18 Martin Tripp is concerned that he may do something  
19 violent and volatile. Says he is concerned because he's  
20 very hostile and very well armed."

21 Do you see that email was sent at 1:50 P.M.,  
22 sir?

23 A. Yes. To -- to -- it wasn't sent to me.

24 Q. Correct. I'm saying the email was sent at  
25 1:50 P.M.



1 A. Yes.

2 (Exhibit 11 was marked for identification.)

3 BY MR. FISCHBACH:

4 Q. Sir, the court reporter has handed you what has  
5 been marked as deposition Exhibit 11. This is the  
6 Sheriff's report from the alleged threat. I just want  
7 to direct your attention briefly to the third page.

8 It states "On June 20, 2018, at approximately  
9 1413 hours Deputy Carter, Deputy Hamblin and I were  
10 dispatched to an "active shooter threat" at 1 Electric  
11 Avenue."

12 Do you see that, sir?

13 A. Yes.

14 Q. So the call to Shamara Bell was received at  
15 approximately 1:50 P.M., and less than 25 minutes later  
16 the sheriff is dispatched; correct?

17 MR. SPIRO: Objection to form, and this doesn't  
18 say when the call was received.

19 MR. FISCHBACH: I said when the sheriff was  
20 dispatched.

21 MR. SPIRO: As to the first point that you made  
22 in the compound question that you asked. You said that  
23 the call was received at this point. All he said is  
24 that the email said.

25 MR. FISCHBACH: You can answer the question,

1 Mr. Musk.

2 MR. SPIRO: If you can understand the question,  
3 you can answer the question.

4 THE WITNESS: I mean, it's not -- the exact  
5 timing is not clear.

6 BY MR. FISCHBACH:

7 Q. All right. But you would agree with me that  
8 Tesla notified the sheriff's department right away;  
9 correct?

10 A. Yes.

11 Q. All right. Are you aware that your statement to  
12 Julia Wong is the first statement to any member of the  
13 press regarding the alleged shooting threat?

14 A. No.

15 Q. All right. Do you know why your comms team did  
16 not make any prior statements to the press regarding the  
17 shooting threat before you did?

18 A. No.

19 Q. And if it's such an important matter, why would  
20 your comms team not inform the press?

21 MR. SPIRO: Objection to form. It's an improper  
22 question.

23 You can answer if you can. Do you know why they  
24 didn't inform the press? Do you know why some other  
25 person didn't inform the press? You can answer that

1 question.

2 THE WITNESS: I think they -- they -- they would  
3 have, but this was all happening very quickly. And so  
4 the -- you know, if it's happening quickly, then, well,  
5 I will respond directly.

6 BY MR. FISCHBACH:

7 Q. I want to go back to the information you  
8 received about the call. Who told you about this call  
9 that was received at the call center?

10 A. I was -- I think some members of our security  
11 team and human resources.

12 Q. Who?

13 A. I don't recall. I was told by many people.  
14 There was -- I don't know. Probably, I don't know, half  
15 a dozen people that were on a call.

16 Q. Did you ask any follow-up questions?

17 A. Yes. I asked can we -- do we have a recording  
18 of the call? Let's try to figure out, you know, how  
19 serious is this. Is this -- is he actually on his way  
20 to the -- to -- you know, what -- you know, how -- how  
21 seriously should we take this? Is this, like, a -- a  
22 four-alarm fire, a one-alarm fire?

23 It's obviously a very serious threat that one  
24 needs to take credibly, but there is proportionate  
25 response just as a fire department would have for a

1 class of fire. So we need to try to find out what --  
2 how severe, how immediate. It's clearly a serious  
3 threat, but how severe and what action should we take to  
4 safeguard the people.

5 Q. Was the call recorded?

6 A. I believe it was not recorded. That's what I  
7 was told.

8 Q. When you asked the question "Should we take this  
9 threat seriously?" was there any other evidence or  
10 information to corroborate what the alleged caller had  
11 said?

12 A. You always have to take a threat of a heavily  
13 armed angry shooter seriously, obviously.

14 Q. That wasn't what my question, Mr. Musk. My  
15 question was was there any other information or evidence  
16 that you had to corroborate what was stated in this  
17 anonymous phone call?

18 MR. SPIRO: Him personally or Tesla's security?

19 MR. FISCHBACH: Him personally.

20 THE WITNESS: No. That's -- the information I  
21 had was -- was a direct threat to the company.

22 BY MR. FISCHBACH:

23 Q. So the only information you had came from an  
24 anonymous phone call when you made this statement to  
25 Julia Wong at The Guardian; is that correct, sir?

1 MR. SPIRO: The only -- objection to form.

2 THE WITNESS: We had received a -- what seemed,  
3 to us, to be a credible threat to the safety and  
4 well-being of the people at Tesla, yeah.

5 BY MR. FISCHBACH:

6 Q. All right. Sir, my question is other than this  
7 anonymous phone call for which there was no recording,  
8 when you made that statement to Julia Wong, did you have  
9 any other independent evidence or information to  
10 corroborate what that caller had said?

11 MR. SPIRO: Objection. Did you mean information  
12 at that time, or other information they previously had  
13 relating to Mr. Tripp being fired and any other issues  
14 he had?

15 BY MR. FISCHBACH:

16 Q. Do you understand the question, Mr. Musk?

17 A. Well, now that you mention it, I believe I did  
18 have a conversation with Nick Gicinto or one of Tesla's  
19 security people about Marty Tripp. And he said  
20 something about the -- Marty Tripp having several guns  
21 and trying to sell a gun to another employee. This, I  
22 think, adds some credibility to the threat.

23 BY MR. FISCHBACH:

24 Q. When did that conversation happen?

25 A. I'm not sure of the exact timing.

1 He did try to sell the gun to --

2 MR. SPIRO: What?

3 THE WITNESS: Is that a --

4 BY MR. FISCHBACH:

5 Q. Do you know whether or not the call with  
6 Mr. Gicinto was before or after you made that statement  
7 to Ms. Wong?

8 A. I think it was probably before, but I'm not sure  
9 of the exact timing. I mean, I talked to Nick Gicinto  
10 quite frequently at the time.

11 Q. Did Mr. Tripp actually ever show up at the  
12 Gigafactory and shoot anybody?

13 A. No.

14 Q. Was Mr. Tripp ever apprehended on his way to the  
15 Gigafactory to shoot anybody?

16 A. No.

17 (Exhibit 12 was marked for identification.)

18 BY MR. FISCHBACH:

19 Q. Sir, the court reporter has handed you what has  
20 been marked as --

21 THE REPORTER: 12.

22 BY MR. FISCHBACH:

23 Q. -- deposition Exhibit 12. I want to direct your  
24 attention to Interrogatory Number 12, which is going to  
25 be on page 7 of this document.



1 BY MR. FISCHBACH:

2 Q. All right, sir. Did you have a chance to read  
3 Tesla's response?

4 A. The whole response?

5 Q. Yeah. It's about a page and a half.

6 A. Yes, I read it.

7 Q. All right. Sir, there is no reference in that  
8 response to Mr. Gicinto providing you any information  
9 about Mr. Tripp having firearms, is there?

10 MR. SPIRO: Objection to form.

11 THE WITNESS: Not in this.

12 BY MR. FISCHBACH:

13 Q. Do you have any evidence that Mr. Tripp did  
14 anything to make preparations to go back to the  
15 Gigafactory and shoot people?

16 A. No.

17 Q. All the information came from that one anonymous  
18 phone call; is that correct, sir?

19 MR. SPIRO: Objection to form, "all the  
20 information."

21 BY MR. FISCHBACH:

22 Q. Let me clarify. All the information you had in  
23 your possession when you made that email to Julia Wong  
24 was based on that anonymous phone call on June 20th;  
25 correct, sir?



1 MR. SPIRO: Objection to form.

2 If he's asking you about just that moment, fine.

3 If he's asking you about everything you had learned  
4 prior to the moment of the anonymous call regarding  
5 Mr. Tripp or regarding Business Insider, that's a  
6 different question.

7 If you understand which of the two he's asking,  
8 you can answer it.

9 MR. FISCHBACH: Let me rephrase the question.

10 MR. SPIRO: Yeah. All right.

11 BY MR. FISCHBACH:

12 Q. All the information you had about an alleged  
13 threat to shoot up the Gigafactory came from that  
14 anonymous phone call; is that correct, sir?

15 A. Specifically about the threat to shoot up the  
16 Gigafactory or however you want to call it, that -- that  
17 was that call, yes. But you have to take these things  
18 very seriously. It's when people don't take these  
19 things seriously that they go awry. You can't be  
20 cavalier about such things.

21 Q. And Mr. Tripp never actually bought a firearm to  
22 the Gigafactory on June 20th, did he?

23 MR. SPIRO: If you know.

24 THE WITNESS: I don't know. He may have.

25 ///

1 BY MR. FISCHBACH:

2 Q. Do you know whether or not Mr. Tripp ever fired  
3 a weapon at the Gigafactory on June 20th?

4 A. That is unlikely.

5 Q. Do you know whether or not Mr. Musk -- or,  
6 excuse me, Mr. Tripp ever set foot in the Gigafactory on  
7 June 20th?

8 A. I don't.

9 Q. Are you aware that on June 20th Mr. Tripp was in  
10 Reno being followed by private investigators hired by  
11 Tesla?

12 MR. SPIRO: Objection to form.

13 THE WITNESS: I --

14 MR. SPIRO: If you learned anything -- if you  
15 learned anything about any of this through counsel, you  
16 can't answer the question.

17 MR. FISCHBACH: I disagree. It's just a yes or  
18 no question. I'm not asking him for the contents of the  
19 communication. I just want to know were you aware of  
20 this fact, Mr. Musk.

21 MR. SPIRO: You can answer if you were aware of  
22 the fact that Mr. Tripp was identified somewhere other  
23 than -- near the factory, in other words.

24 Do you understand?

25 THE WITNESS: Sorry, on what -- on what date are

1 we talking about?

2 BY MR. FISCHBACH:

3 Q. June 20th, sir.

4 A. Okay.

5 Q. Same date that you called him a horrible human  
6 being. The same day that you emailed Julia Wong.

7 A. Yes, yes.

8 MR. SPIRO: Were you aware on that date that he  
9 was in another place? Again, his question --

10 THE WITNESS: No.

11 MR. SPIRO: -- assumes that.

12 THE WITNESS: I didn't know where he was.

13 BY MR. FISCHBACH:

14 Q. To your knowledge, did your statement to Julia  
15 Wong do anything in assisting the sheriff in locating  
16 Mr. Tripp?

17 A. No.

18 Q. Sir, are you authorized to make public  
19 statements to the press on behalf of Tesla?

20 A. Yes.

21 Q. And if somebody were to travel from Reno to the  
22 Gigafactory, how would they typically get there by  
23 vehicle?

24 MR. SPIRO: Objection to form. You know that's  
25 an improper question.

1           If you can answer that question, you can answer  
2 that question --

3           THE WITNESS: I mean, they said that --

4           MR. SPIRO: -- how people sometimes come to the  
5 Gigafactory.

6           THE WITNESS: Okay. We have two highways: one  
7 on north side, one on south side.

8 BY MR. FISCHBACH:

9 Q.       All right. And approximately how far is it from  
10 the Reno area, sir?

11 A.       15 -- 15 to 20 minutes.

12 Q.       Why was it so important that you inform the  
13 press about the alleged threat rather than your  
14 communications team?

15           MR. SPIRO: Objection to form.

16           You can answer that.

17           THE WITNESS: Right. I mean, it's not that it  
18 was so important that it be me or them, but since the --  
19 given the timeliness of the email where the Guardian  
20 reporter was clearly writing the story as though  
21 Mr. Tripp was the wrong part -- the wronged party when  
22 he was, in fact, not the wronged party.

23           And to the best of my information, he was at --  
24 at risk of coming to Tesla and killing people. I  
25 thought perhaps this is information that she should be

1 aware of in writing this article that this -- this --  
2 that, to the best of my knowledge, this person was armed  
3 and dangerous and had already committed crimes against  
4 the company. This -- pretty serious.

5 BY MR. FISCHBACH:

6 Q. I mean, your information or your communications  
7 team was certainly capable of providing this information  
8 to Ms. Wong; correct, sir?

9 A. Yes, of course.

10 MR. FISCHBACH: What are we on?

11 THE REPORTER: 13.

12 (Exhibit 13 was marked for identification.)

13 BY MR. FISCHBACH:

14 Q. Sir, the court reporter has handed you what has  
15 been marked as deposition Exhibit 13. I want to draw  
16 your attention to the second page. It's an email from  
17 Shamara Bell to Jeff Jones on June 21st, the day after  
18 the alleged threat.

19 A. Mm-hmm.

20 Q. Can you read the second page silently to  
21 yourself, sir.

22 MR. SPIRO: He's not a recipient of this email.

23 MR. FISCHBACH: I know he's not, but this has to  
24 do with the investigation into the alleged threat, and  
25 it's within the scope of the deposition.

1 MR. SPIRO: That's -- I'm not -- you can ask the  
2 question. I just --

3 THE WITNESS: Yes, I read that -- read this  
4 email.

5 BY MR. FISCHBACH:

6 Q. All right. Do the exact words "going to come  
7 back and shoot people" appear anywhere in this email?

8 A. No. It says that he -- that he -- he fears for  
9 the safety of the employees at the factory because Tripp  
10 was extremely volatile and heavily armed, that he was  
11 extremely upset.

12 MR. FISCHBACH: Actually, I'll give you this  
13 one.

14 THE WITNESS: Yeah. I mean, what -- I mean,  
15 what -- well, I think what -- what matters here is that  
16 this person is saying that he fears for the safety of  
17 employees at -- at the factory because Tripp is  
18 extremely volatile and very well heavily armed.

19 MR. FISCHBACH: Thank you, Mr. Musk.

20 Can you mark that, please.

21 (Exhibit 14 was marked for identification.)

22 BY MR. FISCHBACH:

23 Q. Sir, the court reporter has handed you what's  
24 been marked as deposition Exhibit 14. This is an IM  
25 chat between Shamara Bell, who took the call, and a

1 Robert Smith.

2 She specifically says "I never said 'shoot the  
3 place up' though. I ain't that ghetto. Sheeeeshh."

4 Did I read that correctly, sir?

5 A. Yes.

6 Q. Do you know why there's no recording of that  
7 anonymous phone call, sir?

8 A. I don't.

9 Q. And by sending this information to Julia Wong,  
10 it was your desire -- excuse me.

11 By sending this information to Julia Wong about  
12 this alleged threat that he was going to come back and  
13 shoot up the Gigafactory, you wanted Ms. Wong to publish  
14 that in the media; correct, sir?

15 A. I thought this was important information if  
16 she's going to be writing an article about Marty Tripp.

17 Q. So you wanted her to publish it; correct?

18 A. It was salient information, and I certainly, you  
19 know, believed at the time that this -- that he  
20 represented a very serious threat to the safety of the  
21 company.

22 Q. Do you expect that she would publish this  
23 information you gave to her?

24 A. I thought she -- she might publish it, yes.

25 MR. FISCHBACH: 15.

1 (Exhibit 15 was marked for identification.)

2 BY MR. FISCHBACH:

3 Q. Sir, the court reporter has handed you what has  
4 been marked as deposition Exhibit 15. This is an email  
5 from you again, Julia Wong. This one's roughly an hour  
6 and a half later at 6:57 P.M.

7 And you wrote "He initiated the email exchange  
8 this morning at 8:57 A.M. I certainly would not have  
9 initiated contact, nor would I even know his personal  
10 email address, and it was probably unwise for me to have  
11 responded. This is what he sent."

12 Why was it unwise for you to have responded to  
13 Mr. Tripp's email that he sent you that morning, sir?

14 A. I think it would have been -- it would have been  
15 better to have Tesla communications write this  
16 information. Me -- me responding made it too personal.

17 Q. You would have preferred that the Tesla  
18 communications team respond to Mr. Tripp's email to you  
19 that morning?

20 A. Yeah. I mean, in -- in replying to him, I had  
21 simply given him fodder for the press.

22 Q. What do you mean by that?

23 A. He clearly just -- he wanted a lot of press.  
24 That was obvious. He's sending my emails to the press.  
25 And so I was a fool for responding to him --



1 Q. But you also --

2 A. -- because I was -- I was just giving him more  
3 press.

4 Q. But you also sent that same exchange to Julia  
5 Wong, didn't you, sir?

6 A. I sent the exchange to clarify what was actually  
7 sent because Marty Tripp implicitly lied to Julia Wong  
8 by claiming that I had somehow attacked him when in fact  
9 he is the one who sent me the -- the email first. But  
10 he deleted that.

11 Q. Why did you take that email from him so  
12 personally?

13 A. The email of -- which email are you talking  
14 about?

15 Q. The email that he sent that you morning at  
16 8:57 A.M. where he said "You're going to get what's  
17 coming to you" or words to that effect.

18 Why did you take that so personally?

19 A. Well, I mean, the -- some guy's threatening me.  
20 And "get what's coming to you" could mean a physical  
21 threat. It could mean -- it could mean any one of a  
22 number of things. It certainly is a serious and -- one  
23 should take this seriously, obviously.

24 MR. FISCHBACH: All right.

25 Do you need to take a break, Mr. Spiro?

1 MR. SPIRO: No.

2 THE WITNESS: No.

3 MR. FISCHBACH: Okay.

4 BY MR. FISCHBACH:

5 Q. And you sent that exchange to Julia Wong. What  
6 are -- what are people supposed to think when they see  
7 you engaging in that kind of back and forth with  
8 Mr. Tripp?

9 A. I don't know what people are supposed to think.

10 Q. Why did you want -- did you expect that Julia  
11 Wong would publish that exchange between you and  
12 Mr. Tripp?

13 A. This is the exchange that Tripp sent to Wong,  
14 and then I -- I provided the clarification that, no, he  
15 had initiated the attack.

16 Is that what you mean?

17 Q. No. I'm saying was your expectation that if you  
18 sent her this exchange, she would publish it; correct?

19 A. Not necessarily.

20 Q. Did you think there was a chance she would  
21 publish it if you sent it to her?

22 A. Yes.

23 Q. Why would you want her to publish that?

24 A. When you say "that," what are you refer --  
25 referring?

1 Q. The exchange between yourself and Mr. Tripp  
2 earlier that morning.

3 A. She already had the exchange that -- that --  
4 Tripp had sent her the exchange. That's my  
5 understanding.

6 Is that incorrect?

7 Q. Well, but why would you want people to see  
8 that -- you sent the exchange yourself. Why would you  
9 want people to see that?

10 MR. SPIRO: Objection. Asked and answered. He  
11 already told you that she already had the exchange  
12 anyway; so what are you -- the question is  
13 incomprehensible.

14 MR. FISCHBACH: You know, your -- your attorney  
15 has actually made a good objection. Let me rephrase the  
16 question.

17 BY MR. FISCHBACH:

18 Q. If Mr. Tripp had not sent that exchange to Julia  
19 Wong first, would you have sent it?

20 MR. SPIRO: Objection. Calls for speculation.  
21 It's improper form.

22 THE WITNESS: Probably not, yeah.

23 BY MR. FISCHBACH:

24 Q. Did Tesla ever make any effort to determine the  
25 identity of the caller that called in the alleged

1 Gigafactory threat?

2 A. Yes, I'm sure. Yes.

3 Q. What did Tesla do?

4 A. Tesla security investigated or talked to the  
5 person who received the call. I don't know all the  
6 details of what -- what occurred, but certainly there  
7 was an attempt to figure out the seriousness of the  
8 threat. Like, is it something -- as I said, what level  
9 of security should we have? Where should we have it?

10 Q. What my question was, sir, did Tesla make any  
11 effort to determine the identity of the caller. And my  
12 follow-up question was what did Tesla do.

13 So what did Tesla do --

14 A. I don't know all of the things Tesla does, but I  
15 know Tesla did try to find out the identity.

16 Q. Mr. Musk, you're an intelligent man. I think  
17 you know where my questions are going, but please let me  
18 finish them.

19 A. I don't actually.

20 Q. Other than interviewing Shamara Bell, what else  
21 did Tesla do to determine the identity of the caller?

22 A. I don't know all the actions that Tesla did.

23 Q. Do you know where the sheriff eventually found  
24 Mr. Tripp?

25 A. No.

1 Q. Did you have any idea where Mr. Tripp was on  
2 June 20th?

3 MR. SPIRO: Objection. Asked and answered.

4 MR. FISCHBACH: Let me strike that. Let me  
5 rephrase the question.

6 BY MR. FISCHBACH:

7 Q. On June 20th, did you have any idea where  
8 Mr. Tripp was at any point during that day?

9 A. I don't know where he was.

10 MR. FISCHBACH: What?

11 THE REPORTER: Just showing you the number.

12 MR. FISCHBACH: Oh, thank you.

13 (Exhibit 16 was marked for identification.)

14 BY MR. FISCHBACH:

15 Q. Sir, the court reporter has handed you what has  
16 been marked as deposition Exhibit 16.

17 A. Yeah.

18 Q. This is a follow-up email by Sarah O'Brien kind  
19 of piggy-backing on your initial communication with  
20 Julia Wong. And Sarah says "I'll take it from here."

21 Sarah O'Brien was a member of the Tesla  
22 communications team at that time; correct, sir?

23 A. Yes.

24 Q. When somebody on your communications team says  
25 "I'll take it from here," what do you interpret that to

1 mean?

2 A. They will correspond with the media from that  
3 point.

4 Q. That is, you don't have to have any further  
5 involvement?

6 A. No, yeah. I mean, I can if I want to. It's up  
7 to me.

8 Q. But you sent a subsequent email to Julia Wong  
9 even after Sarah O'Brien sent this email "I'll take it  
10 from here"; correct, sir?

11 A. I presume you have an exhibit I -- to that  
12 effect.

13 Q. The prior exhibit, Exhibit 15. Email sent at  
14 6:57 P.M.

15 MR. SPIRO: Do we know the time zone these are  
16 in?

17 MR. FISCHBACH: No.

18 MR. SPIRO: Okay.

19 MR. FISCHBACH: But these are as Tesla disclosed  
20 them. Would Tesla like to supplement its disclosure so  
21 that we can tell the time zone?

22 MR. SPIRO: I'm just asking if we know the time  
23 zone.

24 MR. FISCHBACH: Well, the answer is no. And  
25 I'm just -- does Tesla want to supplement its

1 disclosures?

2 THE WITNESS: No. I mean, I think it's --  
3 this -- these times probably make sense.

4 I looked at it, yeah.

5 BY MR. FISCHBACH:

6 Q. But, sir, you actually communicated again with  
7 Julia Wong after Sarah O'Brien said "I'll take it from  
8 here"; correct, sir?

9 A. That appears to be the case.

10 I'm not sure I would have read Sarah's email,  
11 but her email was sent.

12 Q. You were copied on Sarah's email; correct?

13 A. The "I'll" --

14 Q. She actually sent it to you; correct?

15 A. The "I'll take it from here"?

16 Q. Yes, sir.

17 A. She sent it to me, yes.

18 Q. All right. But you don't know if you read it?

19 A. I'm not sure if I read it before responding to  
20 Julia Wong. I get a lot of emails.

21 Q. And I believe you testified earlier, sir, that  
22 this information about Mr. Tripp and the alleged threat  
23 was very important information about the safety and  
24 welfare of Gigafactory employees and that's why you  
25 wanted her to have it; is that right?

1 A. Yes. I thought there was -- to the best of my  
2 knowledge, there was a serious threat.

3 Q. All right. If that was so important, why didn't  
4 your communications team, or anybody else for that  
5 matter, report that threat to the media immediately  
6 after the threat was received?

7 MR. SPIRO: Objection to form.

8 You can answer.

9 THE WITNESS: I mean, they probably would have,  
10 but this was all occurring in the span of a few hours or  
11 course of one day.

12 (Exhibit 17 was marked for identification.)

13 BY MR. FISCHBACH:

14 Q. Sir, the court reporter has handed you what's  
15 been marked as deposition Exhibit 17. This is an email  
16 from Sarah O'Brien to Julia Wong right after she sent  
17 you the "I'll take it from here" email.

18 A. Mm-hmm.

19 Q. And it starts off by saying "Attributed to a  
20 Tesla spokesperson. This afternoon, we received a phone  
21 call from a friend of Mr. Tripp telling us that  
22 Mr. Tripp would be coming to the Gigafactory to shoot  
23 up" -- excuse me, "to 'shoot up the place.' Police have  
24 been notified and actions are being taken to enhance  
25 security at the Gigafactory."



1 MR. SPIRO: "Shoot the place up" not "shoot up  
2 the place."

3 MR. FISCHBACH: Mr. Spiro, thank you, sir.  
4 You're right. It says "shoot the place up." And since  
5 we're -- our attention has been drawn to that exact  
6 phrase, does that exact --

7 MR. SPIRO: You just misquoted it. That's why  
8 I'm just --

9 MR. FISCHBACH: Thank you, sir, and I greatly  
10 appreciate that.

11 BY MR. FISCHBACH:

12 Q. Does that exact phrase "shoot the place up"  
13 appear in any of those communications from Shamara Bell  
14 that we were looking at?

15 A. That was not how she described it.

16 Q. In fact, she specifically denied using words to  
17 the effect of "shoot up the place" or "shoot the place  
18 up"; isn't that right, sir?

19 A. In that text exchange, she does, yes. I mean,  
20 she doesn't object to the substance of it, just the --  
21 just the phrase itself.

22 Q. Have you ever talked to Shamara Bell?

23 A. No.

24 Q. Now, there's roughly 26 minutes between  
25 Exhibit 17, the email from Sarah O'Brien to Julia Wong,

1 and then your initial email with Julia Wong.

2 Do you recall having any communications with  
3 anybody else in the intervening 26 minutes regarding  
4 Mr. Tripp?

5 A. No.

6 Q. Is it typical for you to communicate with  
7 members of the press about lawsuits that the company is  
8 involved in?

9 A. I wouldn't say it's typical. It's occasional.

10 Q. The -- there was a reference, I think, in your  
11 communications to Ms. Wong and then the subsequent  
12 communications from Ms. O'Brien that the caller was a  
13 friend of Mr. Tripp.

14 How do you know he was a friend of Mr. Tripp?

15 A. We only have what the person who took the  
16 call -- we only have that information.

17 Q. Okay. Was the caller in fact a friend of  
18 Mr. Tripp?

19 A. We do not know.

20 Q. I'd like to go back to the sheriff's report. I  
21 believe that's Exhibit 11, sir.

22 MR. SPIRO: It's right there to your right.

23 THE WITNESS: Yeah.

24 BY MR. FISCHBACH:

25 Q. And, sir, I want to draw your attention to the

1 fourth page on that exhibit. It actually says -- I'm  
2 sorry, the sixth page on that exhibit. It actually says  
3 page 3 at the top, but the sixth page, sir.

4 The first few words at the top there are "for  
5 his wife as a gift." Do you see that?

6 Do you see the words I'm referencing, Mr. Musk?

7 A. Yes.

8 Q. It states here "Based [on] our interview with  
9 him," Mr. Tripp, "Chief Dosen and I concluded that Tripp  
10 was not armed; did not likely have access to firearms;  
11 and did not present a threat at that time. Chief Dosen  
12 notified our dispatch and Gourthro that the active  
13 shooter threat was not viable at that time."

14 Who is Gourthro?

15 A. I don't know who Gourthro is, sorry.

16 Q. Do you know who Sean Gourthro is?

17 A. The name doesn't ring a bell.

18 Q. All right. Was he the security manager for the  
19 Gigafactory at the time?

20 A. He may have been.

21 Q. Were you informed at some point later in the day  
22 on June 20th that the sheriff's department had concluded  
23 that the active shooter threat was not viable?

24 A. I would not take this -- those threats to be not  
25 be viable. It's simply that they did not have enough

1 information to go further.

2 Q. Well, sir, I'm -- the words used by the  
3 sheriff's department are "that the active shooter threat  
4 was not viable at that time."

5 And my question for you, sir, is were you  
6 informed at any point on the 20th that the sheriff had  
7 concluded that the active shooter threat was not viable  
8 at that time?

9 A. I mean, I think the -- the key phrase here is  
10 "at that time," which means at a subsequent time it  
11 could easily be viable.

12 Q. And, sir, my question isn't that. My question  
13 is were you informed at any point on June 20th that the  
14 sheriff's department had concluded that the active  
15 shooter threat was not viable at that time?

16 A. I mean --

17 MR. SPIRO: If you recall whether or not you  
18 were told that at that day.

19 THE WITNESS: What I recall is that they -- that  
20 they did not have enough evidence to take action on him.  
21 That's -- that's -- that's essentially the substance of  
22 it.

23 BY MR. FISCHBACH:

24 Q. Do you recall when you learned that?

25 A. I don't recall the exact hour of the day in 2018

1 when this occurred. I mean, it's -- I mean, he's --  
2 he's claiming, like, possession of a Hi-Point carbine.  
3 I mean, this sounds -- like, really I think this, if  
4 anything, amplifies concerns.

5 Q. Was Mr. Tripp found in possession of a Hi-Point  
6 carbine?

7 MR. SPIRO: If you know.

8 THE WITNESS: I do not know.

9 I mean, Tripp had advised a work colleague that  
10 he owned many firearms.

11 (Exhibit 18 was marked for identification.)

12 BY MR. FISCHBACH:

13 Q. Were you aware of that fact when you made that  
14 statement to Julia Wong?

15 A. I think so, but I am not certain.

16 Q. Well, it wasn't in Tesla's interrogatory  
17 response, was it?

18 MR. SPIRO: Objection. Form.

19 THE WITNESS: I'm not certain.

20 BY MR. FISCHBACH:

21 Q. Okay. And do you know why that would have been  
22 omitted from Tesla's interrogatory response if you in  
23 fact had that information --

24 MR. SPIRO: Objection.

25 MR. FISCHBACH: -- in your possession when you

1 made that statement to Julia Wong?

2 MR. SPIRO: Objection to form, and the  
3 interrogatory response doesn't ask that specific  
4 question. So it's misleading and objection to form.

5 If you even know the objection -- if you even  
6 know what the interrogatory responses are, you can  
7 answer that.

8 THE WITNESS: I'm not sure whether I knew it or  
9 not, but if it was admitted, it certainly would have  
10 been as -- perhaps an oversight. And we perhaps should  
11 amend the interrogatory to include that information.

12 BY MR. FISCHBACH:

13 Q. We'll look forward to that, Mr. Musk.

14 Sir, the court reporter handed you what has been  
15 marked as deposition Exhibit 18.

16 Right hand, Mr. Musk.

17 MR. SPIRO: Right hand.

18 THE WITNESS: Yes.

19 BY MR. FISCHBACH:

20 Q. Sir, this is an email from Dave Arnold to  
21 j.murdock at Newsweek June 21st, 2018. And I just want  
22 to draw your attention to the final paragraph. "Also,  
23 so you're aware, yesterday afternoon, we received a  
24 phone call from a friend of Mr. Tripp telling us that  
25 Mr. Tripp would be coming to the Gigafactory to 'shoot

1 the place up.' "

2 Did I get that right; Mr. Spiro?

3 MR. SPIRO: I think that time you got it right.

4 MR. FISCHBACH: Thank you.

5 MR. SPIRO: You didn't get it right the last  
6 time.

7 BY MR. FISCHBACH:

8 Q. "Police have been notified and actions are being  
9 taken to enhance security at the Gigafactory."

10 Mr. Musk, do you know why -- well, who's Dave  
11 Arnold?

12 A. He's in the communicate -- he was in the  
13 communications team of Tesla.

14 Q. Do you know why Mr. Arnold would provide that  
15 information to Newsweek the day after the sheriff's  
16 department had determined that the active shooter threat  
17 was not viable at that time?

18 A. No.

19 Q. Do you think that by omitting the fact that the  
20 sheriff's department had determined that the active  
21 shooter threat was not viable at that time, that  
22 Mr. Arnold was in fact telling the whole truth to  
23 Newsweek here?

24 A. I -- I don't know what Dave Arnold meant.

25 Q. I'm not asking you what he meant. I'm asking

1 you do you think that Mr. Arnold was in fact providing  
2 the whole truth if you omitted the fact that the  
3 sheriff's department had concluded that the active  
4 shooter threat was not viable at that time?

5 A. I think there you go again with legal trickery  
6 being the whole truth. Like, what -- you know, possibly  
7 there's some things that were -- weren't included for  
8 whatever reason.

9 I mean, Dave Arnold, just looking at this email,  
10 is just going through a series of bad actions that  
11 Mr. Tripp engaged in: lying about the scrap at the  
12 Gigafactory and misleading investigators, lying to the  
13 media repeatedly, and just a -- he was just going  
14 through a whole series of false claims. This was not  
15 necessarily to -- to be a complete list of false claims,  
16 but it is certainly a long list of false claims.

17 Q. All right. And you certainly agree with me  
18 there's nothing in that email from Mr. Arnold  
19 referencing the fact that the sheriff's department had  
20 concluded that the active shooter threat was not viable  
21 at that time?

22 A. That was not in the email. But, again, "at that  
23 time" just mean -- that implies at another time it could  
24 absolutely be viable, and that's how we should treat it.

25 MR. FISCHBACH: Can you put those in order,



1 please.

2 (Exhibit 19 was marked for identification.)

3 BY MR. FISCHBACH:

4 Q. Mr. Musk, the court reporter has handed you what  
5 has been marked as deposition Exhibit 19. This is a  
6 tweet from you dated July 5th of 2018. "Indeed, very  
7 simple question. To be specific: @linette" -- or,  
8 excuse me, "@lopezlinette, did you compensate or promise  
9 to compensate Martin Tripp for inside information about  
10 Tesla? Did he, under that inducement, provide you with  
11 exaggerated negative info, which you printed but turned  
12 out to be untrue?"

13 A. That is a correct reading.

14 Q. Now, this was after Tesla filed its lawsuit  
15 against Mr. Tripp; correct?

16 A. There's no date on this but --

17 Q. Actually it's dated July 5th of 2018. And the  
18 lawsuit was filed June 20th of 2018.

19 A. Okay; so, yes, it's after.

20 Q. Okay. Why did you feel the need to comment on  
21 Mr. Tripp when there's active litigation by Tesla  
22 against him?

23 MR. SPIRO: Objection to form.

24 THE WITNESS: I'm -- I'm not sure. I don't  
25 know.

1 BY MR. FISCHBACH:

2 Q. What was the message you wanted to send with  
3 this tweet about Mr. Tripp?

4 A. Oh, actually I think the -- Nick -- Nick  
5 Gicinto, one of the members of Tesla security, had told  
6 me that there was some guy who was a friend of Tripp's  
7 who said that Linette Lopez had offered him \$50,000 for,  
8 you know, basically insider information on Tesla and  
9 implied that Tripp had received similar payment.

10 (Exhibit 20 was marked for identification.)

11 BY MR. FISCHBACH:

12 Q. Sir, the court reporter has handed you what has  
13 been marked as deposition Exhibit 20.

14 Sorry, I gave you the wrong one, Alex. That's  
15 Gicinto. That's 20 right there.

16 MR. SPIRO: All right. Thanks.

17 MR. FISCHBACH: And you've got Mr. Gicinto;  
18 correct, Mr. Musk?

19 MR. SPIRO: Can I just check?

20 MR. FISCHBACH: The deposition --

21 THE WITNESS: Yes, 20.

22 MR. FISCHBACH: Thank you.

23 BY MR. FISCHBACH:

24 Q. And, sir, I deposed Mr. Gicinto. And you'll see  
25 on page 66 of the deposition, I highlighted a specific

1 question: "Did your investigation uncover evidence of  
2 Linette Lopez compensated or promised to compensate  
3 Martin Tripp for inside information about Tesla?"

4 And his ultimate response is on the last page.  
5 "Ultimately there was nothing that we uncovered showing  
6 a connection to any compensation between him and  
7 Ms. Lopez."

8 So if Mr. Gicinto said under oath that he  
9 uncovered no evidence of compensation, why were you  
10 suggesting that there had been compensation in this  
11 tweet on July 5th of 2018?

12 MR. SPIRO: Objection to form. Objection.  
13 Misleading.

14 THE WITNESS: Again -- yes, exactly. Just  
15 constant legal trickery questions. If that's how you  
16 want to spend the day --

17 I was asking her if this was true. Since it --  
18 just -- Nick Gicinto had said that a friend of his -- a  
19 friend of Tripp's had been offered money for insider  
20 information by Linette Lopez, then perhaps Tripp had as  
21 well. And this is a very simple thing to just say "No.  
22 No, he didn't."

23 BY MR. FISCHBACH:

24 Q. All right. What information did you have in  
25 your possession at that time that Mr. Tripp had been

1 compensated or offered compensation from Linette Lopez?

2 A. This was from his friend, or claimed friend,  
3 that Nick Gicinto told me about.

4 Q. Who was that?

5 A. I don't recall the name.

6 Q. And you didn't undertake any -- well, I  
7 shouldn't say that.

8 Did you undertake any personal investigation to  
9 determine whether or not Mr. Tripp had been compensated  
10 or offered compensation from Linette Lopez?

11 A. No.

12 (Exhibit 21 was marked for identification.)

13 MR. FISCHBACH: 21?

14 THE REPORTER: Yes.

15 BY MR. FISCHBACH:

16 Q. Mr. Musk, the court reporter has handed you what  
17 has been marked as deposition Exhibit 21.

18 A. Mm-hmm.

19 Q. It's there by your right hand, sir.

20 A. Yes.

21 Q. And this is you stating "Are you 100 percent  
22 certain that @businessinsider stands by @lopezlinette  
23 and supports everything she's done? Why won't Lopez go  
24 on record saying that she never offered Tripp anything  
25 for inside info or asked him to break his

1 confidentiality agreement by taking detailed video of  
2 Tesla IP?"

3 A. Yeah. What about it?

4 Q. That's my question, Mr. Musk. What was the  
5 message that you intended to send by tweeting this  
6 information out about Ms. Lopez and Mr. Tripp?

7 A. I was just asking the question.

8 Q. Right. But what was the message you were trying  
9 to convey with this question?

10 MR. SPIRO: Objection. Asked and answered.

11 If you have anything to add, you can add it.

12 THE WITNESS: I have nothing to add.

13 BY MR. FISCHBACH:

14 Q. So you weren't conveying any message whatsoever  
15 with this question?

16 MR. SPIRO: Objection. Asked and answered.

17 Objection. Form.

18 THE WITNESS: I was asking a question.

19 BY MR. FISCHBACH:

20 Q. Right. But you weren't trying to convey any  
21 message with that question?

22 MR. SPIRO: Objection. Form. Objection. Asked  
23 and answered.

24 If you have anything to add, you can add it. If  
25 not, he's asked the question four times.

1 THE WITNESS: I have nothing to add.

2 BY MR. FISCHBACH:

3 Q. You were just pondering something? Is that what  
4 you were doing, Mr. Musk?

5 MR. SPIRO: Objection. Form. Objection. Asked  
6 and answered.

7 THE WITNESS: The judge said don't waste time.

8 BY MR. FISCHBACH:

9 Q. And the judge said answer my questions. So I'm  
10 asking you, Mr. Musk, were you just posing a question?  
11 Or did you intend to convey a message with this tweet?

12 MR. SPIRO: Objection. Asked and answered.

13 But you can answer the same answer that you've  
14 already given if you'd like.

15 THE WITNESS: I answered the question.

16 (Exhibit 22 was marked for identification.)

17 MR. FISCHBACH: 22?

18 BY MR. FISCHBACH:

19 Q. Sir, the court reporter handed you what has been  
20 marked as deposition Exhibit 22.

21 A. James Uelmen, yes.

22 Q. Sir, this is an email from Mr. Uelmen to you  
23 June 20th, 2018. It says "Sir, I worked as a Quality  
24 Tech in Stator as well as cooling tubes and a few other  
25 departments. I was terminated last week (unfairly I

1 believe). I was told someone called the 800 [number] on  
2 me and that even though I had no history of offensive  
3 behavior, that was enough to terminate me."

4 It goes on to state "All I want is my job back.  
5 But while I was there, I did work closely with Martin  
6 Tripp and he has reached out to me."

7 A. Right.

8 Q. What did you do in response to this email,  
9 Mr. Musk?

10 A. I believe I asked Nick Gicinto to talk to him.

11 Q. All right. Do you know if Mr. Gicinto ever  
12 talked to him?

13 A. Yes.

14 Q. All right. What -- what information did you  
15 receive from Mr. Gicinto regarding Mr. -- is it  
16 "Uelmen"?

17 A. I'm not sure how to pronounce his last name.

18 Q. All right. What information did you receive  
19 from Mr. Gicinto?

20 MR. SPIRO: Is there a time period?

21 THE WITNESS: Yeah.

22 BY MR. FISCHBACH:

23 Q. Do you recall receiving any information from  
24 Mr. Gicinto regarding Mr. Uelmen?

25 A. Yes. That -- Uelmen is -- is -- I think he

1 claimed to Nick Gicinto that there was, like, this  
2 \$50,000 payment for insider information from Linette  
3 Lopez and, I believe, implied that Tripp had received  
4 something to that effect.

5 MR. FISCHBACH: 23.

6 (Exhibit 23 was marked for identification.)

7 BY MR. FISCHBACH:

8 Q. Sir, the court reporter has handed you what has  
9 been marked as deposition Exhibit 23. That's an  
10 email --

11 MR. SPIRO: Do I get a copy of this?

12 MR. FISCHBACH: Where is the other one?

13 MR. SPIRO: I can just look at his if that's --

14 THE WITNESS: Yeah, that's fine.

15 MR. SPIRO: It's short. I don't care.

16 MR. FISCHBACH: Thank you.

17 MR. MITCHELL: Here it is.

18 MR. FISCHBACH: Oh, there it is. I'm sorry.

19 Here you go, Mr. Spiro.

20 MR. SPIRO: Yeah, thanks.

21 BY MR. FISCHBACH:

22 Q. It's originally an email from Mr. Uelmen to you.  
23 "Sir, I worked with Marty Tripp. I was a Quality Tech  
24 and I am being contacted by reporters because he gave  
25 them my name. I need some advice. I was a loyal and



1 hardworking employee. I believe in what you" --  
2 "[you're] trying to do. I have a family and all I want  
3 is to be a good father and husband. Please contact me."

4 And you responded with "What is the situation  
5 with Marty? How can I help?"

6 Why did you respond personally to this email?

7 A. It's normal for me to respond to people at  
8 Tesla. It's -- this was not unusual. So I am actually  
9 generally quite reachable.

10 Q. Right. But, sir, at this point in time you've  
11 got investigators, you've got lawyers, all of them  
12 looking at Martin Tripp.

13 Why did you feel the need to personally respond  
14 to this email?

15 MR. SPIRO: Objection to the form of the  
16 question and the windup, if that's even -- if any of  
17 that's even true.

18 But what -- what -- you can answer the question  
19 of --

20 THE WITNESS: I mean, it's --

21 MR. SPIRO: -- why did you respond to this  
22 email.

23 THE WITNESS: I -- I mean, this -- this  
24 guy is -- said he had important information regarding  
25 Tripp. So I replied "What is the situation with Marty?"

1 How can I help?"

2 BY MR. FISCHBACH:

3 Q. What were you going to do to help Mr. Uelmen?

4 A. At no point did we offer him any compensation or  
5 any quid pro quo.

6 Q. Well, that wasn't my question, sir. My question  
7 was what were you going to do to help Mr. Uelmen?

8 MR. SPIRO: If you know.

9 THE WITNESS: I mean, this is just a simple  
10 question, "How can I help?"

11 Q. Well, but what were you going to do to help him?

12 A. I -- you know, I need to know what is going on.  
13 I don't know what I could do to help him.

14 Q. What kind of help were you willing to offer  
15 Mr. Uelmen?

16 MR. SPIRO: If you can answer that question.

17 THE WITNESS: What do you mean?

18 BY MR. FISCHBACH:

19 Q. Sir, I -- it's your -- it's your email. What  
20 kind of help were you willing to offer Mr. Uelmen when  
21 you wrote this email?

22 MR. SPIRO: Again, I'm objecting to form. It's  
23 incomprehensible.

24 If you can answer that question, you can answer  
25 it.

1 THE WITNESS: Yeah, the -- I mean, the  
2 implication is that -- that there was some quid pro quo  
3 offered here where if he provided information, then he  
4 would be compensated in some way. And that did not  
5 occur at any point.

6 BY MR. FISCHBACH:

7 Q. Did you ever talk with Mr. Uelmen?

8 A. I don't think I ever spoke to him.

9 MR. FISCHBACH: 24?

10 THE REPORTER: Yes.

11 (Exhibit 24 was marked for identification.)

12 BY MR. FISCHBACH:

13 Q. Sir, the court reporter has handed you what has  
14 been marked as deposition Exhibit 24. This is an  
15 email -- at least it appears to be an email that you'd  
16 forwarded to somebody with the name Deth stayerr with  
17 the title "They're not [that] smart." It includes some  
18 communications between yourself and Bonnie Norman.

19 Who's Bonnie Norman?

20 A. Bonnie Norman has a -- she used to run or may  
21 still run Tesla Motors Club. They're kind of a website  
22 by Tesla users.

23 Q. Is she generally a pro-Tesla person, anti-Tesla  
24 person?

25 A. I mean, she's mostly pro-Tesla. Not -- you

1 know, she's -- yeah, that's a -- it is a  
2 customer-focused web site. So she's not entirely  
3 pro-Tesla, but she's mostly pro-Tesla.

4 Q. Well, is she a Tesla employee?

5 A. No.

6 Q. Is she compensated in any way by Tesla?

7 A. No, not that I'm aware of.

8 Q. Why were you communicating with her about  
9 Mr. Tripp if she's the facilitator of this  
10 consumer-oriented website?

11 A. I guess she sent me an email saying that there's  
12 some connection between a short-seller and Marty Tripp.

13 Q. And so why did you -- so she sent you an email.  
14 Why did you feel the need to respond to that email about  
15 a connection between a short-seller and Mr. Tripp?

16 A. I mean, I've had many email correspondences with  
17 Bonnie; so yeah. I mean, she's saying here that there  
18 appears to be some connection between Chanos, Fossi, and  
19 Tripp. And then my reply is "I wonder if Tripp was sent  
20 to work with Tesla directly or indirectly by Chanos.  
21 That would be pretty crazy."

22 Q. Who's Chanos?

23 A. He's a short-seller of Tesla who goes on the  
24 media all the time saying Tesla is going to be worth  
25 zero. Turns out that's not true.

1 Q. What's the stock price today?

2 A. I don't know. Let's just say it didn't work out  
3 well.

4 Q. When you're right, you're right, Mr. Musk.

5 A. Yeah.

6 Q. Why was --

7 A. Place your bets.

8 Q. Why was she -- why was she even investigating  
9 whether or not there was a link between Mr. Tripp and  
10 Mr. Chanos?

11 A. I don't know.

12 Q. Did you ask her to investigate that?

13 A. No.

14 Q. So then she just provided you unsolicited  
15 information that there might be a link between Mr. Tripp  
16 and Mr. Chanos?

17 A. I believe so.

18 Q. Why did you forward this conversation on to Deth  
19 stayerr?

20 A. Do you mean wateroflife420?

21 Q. Yeah.

22 A. Oh, I just thought this was just crazy that -- I  
23 just thought it was like, wow, this is pretty wild  
24 stuff; so yeah. I mean --

25 Q. Why did you feel the need to -- why did Deth

1 stayerr need to know this information about Mr. Tripp  
2 being allegedly connected with Mr. Chanos?

3 A. Well, I had had some conversations with Deth  
4 stayerr about this, you see.

5 Q. Who is Deth stayerr?

6 A. The Deth stayerr legal name is Claire Boucher.

7 Q. And who is that?

8 A. That is my girlfriend.

9 Q. By the way, congratulations, Mr. Musk.

10 A. Oh, thank you, I think.

11 (Exhibit 25 was marked for identification.)

12 MR. FISCHBACH: That's 25; right?

13 THE REPORTER: Yes.

14 BY MR. FISCHBACH:

15 Q. Before we go on to Exhibit 25, sir -- I mean,  
16 other than this speculation from Ms. Norman, did you  
17 ever have any evidence that Mr. Tripp was in fact  
18 working with Mr. Chanos?

19 A. There was -- I think -- I think Uelmen conveyed  
20 to Gicinto that there was some connection, yeah.

21 Q. Did your investigation of Mr. Tripp uncover any  
22 connection between him and Mr. Chanos -- strike that.

23 Did Tesla's investigation of Mr. Tripp uncover  
24 any connection between him and Mr. Chanos?

25 A. There were -- there were a lot of coincidences,

1 but there was not an -- there was no -- there was no  
2 hard evidence, but a lot of strange coincidences.

3 Linette Lopez just constantly posts about Chanos  
4 and how they're best friends and then -- and then writes  
5 articles that are in his -- in his interests.

6 Q. Sir, the court reporter has handed you what has  
7 been marked as deposition Exhibit 25. This is an email  
8 from yourself, again, forwarded in -- forwarding an  
9 email from yourself to C\* titled "Fwd: gigaman\_nv."

10 I see Todd -- is it "Maron"? Is that how it's  
11 pronounced?

12 A. Yes.

13 Q. He was Tesla's general counsel at the time?

14 A. Yeah.

15 Q. He's copied on these emails; correct?

16 A. Yes.

17 Q. Why is Todd Maron copied on your emails to  
18 Bonnie Norman?

19 A. Because it would obviously be a serious concern  
20 if Tripp had been sent to work at Tesla by a  
21 short-seller to provide them with insider information  
22 and if he had exaggerated negative info to journalists  
23 from a position of credibility on the inside.

24 Q. Did Tesla's investigation of Mr. Tripp ever  
25 uncover any evidence that Mr. Tripp had been sent to

1 work for Tesla by a short-seller or to provide -- inside  
2 information?

3 A. It sure seemed that way, but we couldn't -- we  
4 couldn't ever find any hard evidence. It sure seemed  
5 odd that somebody would be this energized to provide  
6 negative information to the press. Unless they're paid  
7 for it, why are they doing it? Maybe you know.

8 Q. It appears that Bonnie Norman is receiving  
9 information from others that aren't really identified in  
10 this email.

11 Do you know who was providing Bonnie Norman  
12 information about Mr. Tripp?

13 A. No.

14 Q. Do you know how she vets these people that are  
15 providing this information?

16 A. No.

17 Q. How would you know if -- whether or not their  
18 agenda aligned with Tesla's agenda if you don't know how  
19 they're vetted?

20 MR. SPIRO: Objection. Form.

21 If you can understand that question. You can  
22 answer it, if you can understand it.

23 THE WITNESS: I don't understand the question.

24 BY MR. FISCHBACH:

25 Q. All right. If you don't know how --



1 A. It's not an understandable question, I think, is  
2 the problem.

3 Q. That's a fair -- fair response, Mr. Musk. I'll  
4 try to rephrase it.

5 If you don't know how Bonnie Norman is vetting  
6 these people that are giving her information, how do you  
7 know whether or not their agenda aligns with Tesla's  
8 agenda?

9 A. I don't.

10 Q. Why use Bonnie Norman to investigate Mr. Tripp  
11 when you have attorneys and private investigators and  
12 inhouse investigators?

13 MR. SPIRO: Objection. Assumes facts.

14 But you can answer the actual question.

15 THE WITNESS: I mean, it's just sort of typical  
16 legal complex question where you can't answer the  
17 question without giving some credence to the initial  
18 part of the question or the latter part of the question.  
19 This is, like, Law 101 BS.

20 BY MR. FISCHBACH:

21 Q. Well, let me -- let me break it down for you,  
22 Mr. Musk.

23 A. Yeah.

24 Q. This is an email sent July 22nd of 2018;  
25 correct, sir?

1 A. Yes.

2 Q. And the suit was filed on June 20th of 2018;  
3 correct?

4 A. Sure.

5 Q. And even before the lawsuit was filed and after  
6 the lawsuit was filed, Mr. Gicinto and Mr. Nocon and  
7 their team were investigating Mr. Tripp; correct, sir?

8 A. Yeah. I -- yes, I think so.

9 Q. So, again, sir, my question is if you've got  
10 attorneys --

11 A. Yeah.

12 Q. -- if you've got investigators, why do you need  
13 Bonnie Norman to be investigating Mr. Tripp?

14 A. I'm not asking Bonnie Norman to investigate  
15 Tripp. She's doing it. It's up to her. Free country.

16 Q. You don't think you're encouraging her, by  
17 responding to these emails, to continue with her  
18 investigation?

19 MR. SPIRO: Objection to form.

20 If the question is, you know, were you  
21 encouraging her, that would be a proper question. You  
22 can answer that question.

23 THE WITNESS: I mean, I would certainly be --  
24 welcome any information that was relevant to the  
25 situation.

1 BY MR. FISCHBACH:

2 Q. Why did you forward this email on to C\*?

3 A. AKA Deth stayerr.

4 Q. Oh, is that also Deth stayerr?

5 A. Yes.

6 Q. Okay. Thank you.

7 But the question still stands, sir. Why did you  
8 feel the need to send this email to your girlfriend?

9 A. I was discussing the case with her and -- and --  
10 yeah. Just sort of -- I was just outraged by the  
11 situation.

12 Q. So your girlfriend is somebody that you have had  
13 discussions with regarding Martin Tripp?

14 A. Yes.

15 Q. What kind of discussions?

16 A. Well, I just said that there was -- outrageous  
17 that this guy was, you know, breaking his  
18 confidentiality agreements and sending false information  
19 to the media and he appeared to be working with  
20 short-sellers.

21 Q. Was this gigaman\_nv account ever linked to  
22 Mr. Tripp?

23 A. I don't know.

24 MR. FISCHBACH: 26?

25 THE REPORTER: Yes.

1 (Exhibit 26 was marked for identification.)

2 BY MR. FISCHBACH:

3 Q. Sir, the court reporter has handed you what has  
4 been marked as deposition Exhibit 26. This is an email  
5 dated August 21st of 2018. It's from you to Juleanna  
6 Glover, copied to Kimbal Musk and Dave Arnold.

7 A. Yes.

8 Q. The title of the email is "Re: WSJ Story on  
9 Combating Tesla Critica." I assume that was supposed to  
10 be "critics."

11 A. Yes. What is it?

12 Q. And I want to draw your attention to -- I  
13 believe it's the fourth page in, sir. Can you go to the  
14 fourth page, please, Mr. Musk.

15 Are you there, sir?

16 A. What -- is this -- what -- what are you  
17 referring to?

18 Q. Right. I'm just drawing your attention to the  
19 fourth page of the exhibit, sir. Are you there?

20 A. I mean --

21 MR. SPIRO: It's the page -- it's obviously the  
22 page with Tripp -- the word "Tripp" on it; right?

23 THE WITNESS: Is it page 4, or what's the actual  
24 thing?

25 MR. SPIRO: Here. I assume it's the page with

1 Tripp on it.

2 MR. FISCHBACH: This one right here. Ends with  
3 "Elon."

4 THE WITNESS: Yes.

5 MR. SPIRO: Yeah. Right there.

6 THE WITNESS: Got it.

7 BY MR. FISCHBACH:

8 Q. All right. And you wrote "As far as Tripp is  
9 concerned, that guy stole gigabytes of Tesla data,  
10 changed the data to make it sound terrible (fortunately,  
11 to a ridiculous degree) and posted it online. At one  
12 point, he claimed we had more scrapped parts than the  
13 total output of our Gigafactory, which is physically  
14 impossible.

15 "Tripp broke a dozen or more laws and caused  
16 great harm to the citizens of Nevada. Tesla legal has  
17 met with the Nevada Attorney General's Office and my  
18 understanding is that they are likely to move forward  
19 with a criminal case. Facts are unequivocal."

20 A. Yeah. What about it?

21 Oh, and also I thought it was very odd that the  
22 former Attorney General of Nevada, George Chanos, is  
23 John Chanos's cousin and self-described best friend.  
24 That's super weird.

25 Q. No, you actually did mention that, Mr. Musk.

1 A. Yeah.

2 Q. But my question for you, sir, is did you believe  
3 Mr. Tripp -- in addition to being a horrible person and  
4 somebody that betrayed his word of honor -- was also a  
5 criminal?

6 A. Do I believe that Tripp is a criminal and  
7 someone who -- and I -- betrayed his -- he has no honor.

8 Q. But, sir, my question was in addition to him  
9 being a horrible person --

10 A. Yes.

11 Q. -- excuse me, a horrible human being and  
12 somebody that betrayed his word of honor, did you also  
13 think he was a criminal?

14 A. Yes.

15 Q. All right. Did you want him --

16 A. In fact --

17 Q. -- punished in the --

18 A. -- I believe he has a warrant out for his  
19 arrest.

20 Q. How do you know that?

21 A. I was told that.

22 Q. Who told you that?

23 MR. SPIRO: Well, if you learned it from  
24 counsel, you can't -- you can't disclose --  
25 communications with counsel. But obviously everybody in

1 this room knows that's true; so --

2 MR. FISCHBACH: I'm asking Mr. -- assuming that  
3 communication didn't come from your attorney,  
4 Mr. Musk --

5 MR. SPIRO: No. I think it did, though.

6 MR. FISCHBACH: It did. It did.

7 MR. SPIRO: So you can't answer the question.

8 THE WITNESS: Yeah, so they're full of it.

9 BY MR. FISCHBACH:

10 Q. Excuse me, what was that?

11 A. This is troubling that you would write your --  
12 associate yourself with someone who has a warrant out  
13 for their arrest for failure to pay child support.

14 Q. Why is that troubling?

15 A. I think it's -- you know. You're just  
16 associating yourself with a terrible person. I mean,  
17 who pays -- who spends money on legal fees, pays for  
18 that fancy suit, instead of paying for their child?

19 Q. Anything else, Mr. Musk?

20 A. Not at this time.

21 Q. When you sent this email, did you want to see  
22 Mr. Tripp punished in the criminal justice system for  
23 what he had done?

24 A. Certainly -- well, independent of whether Tesla  
25 wants him to be punished, as we just talked about,

1 there's a criminal arrest warrant out for him.

2 Q. And, sir, I'm not referring to the fact that  
3 maybe you or people working for you are -- are still  
4 monitoring Mr. Tripp. I'm referring to this email which  
5 is a statement by you about a meeting having occurred  
6 between Tesla legal and the Nevada -- Nevada Attorney  
7 General's Office.

8 And my question for you is did you want to see  
9 Mr. Tripp punished in the criminal justice system for  
10 what he had done at Tesla?

11 A. Yes. I thought he had committed a crime and  
12 deserved to pay the appropriate penalty.

13 Q. Did a prosecution move forward?

14 A. No.

15 Q. You don't know?

16 A. I -- they -- they did not move forward.

17 Q. Why didn't they move forward if the facts were  
18 unequivocal?

19 A. I -- I still think this is a major issue with  
20 the attorney -- the Attorney General's Office of Nevada  
21 should have moved forward.

22 It was very odd that Laxalt was close with  
23 George Chanos. In fact, I was told that Laxalt had  
24 gotten his job because of George Chanos who is Jim  
25 Chanos' best friend and cousin. And this is one of the



1 most prominent short-sellers of Tesla. Very weird.

2 Q. So there was a --

3 A. I think that -- I think that -- I think there's  
4 some chance that George Chanos intervened with the  
5 attorney general -- with the Attorney General of Nevada  
6 to stop this case, which is not good.

7 Q. All right. So you think that Jim Chanos  
8 conspired with the Attorney General of Nevada to prevent  
9 criminal charges from going forward against Mr. Tripp?

10 MR. SPIRO: Objection to form. He said some  
11 chance.

12 THE WITNESS: I think there's some chance that  
13 he worked with his -- that Jim Chanos worked with his  
14 cousin George Chanos the -- George Chanos is the former  
15 Attorney General of Nevada. And I -- and I -- I was  
16 told that Laxalt had gotten his job as a result of  
17 George Chanos and that George Chanos was very  
18 influential with the Attorney General.

19 So there is some chance that what -- where there  
20 should have been a criminal investigation, that it was  
21 interfered with.

22 BY MR. FISCHBACH:

23 Q. Are you aware that your counsel, your former  
24 counsel of record, John Hueston, gave a PowerPoint  
25 presentation to members of both the Nevada Attorney

1 General's office and FBI agents advocating for a  
2 criminal prosecution of Mr. Tripp?

3 A. I don't know that -- about a PowerPoint  
4 presentation, but I -- I know he talked to them.

5 Q. Were you present at that meeting?

6 A. No.

7 Q. Let's go to the first page of that exhibit, sir,  
8 Exhibit 26.

9 A. Yes.

10 Q. You wrote at the bottom "Don't they have  
11 anything" -- or, excuse me, "Don't they have something  
12 else to write about? It is so tiresome to see myself in  
13 the news," exclamation point.

14 Do you see that?

15 MR. SPIRO: Objection. This is outside the  
16 scope.

17 MR. FISCHBACH: No. It's --

18 MR. SPIRO: You don't have to answer that.

19 MR. FISCHBACH: It's a communication from  
20 Mr. Musk. It's an email from Mr. Musk.

21 MR. SPIRO: Yeah. But it's outside the scope of  
22 the -- of the rules of your deposition.

23 MR. FISCHBACH: Well, I'm glad you mentioned  
24 that because --

25 Mark that. Mark that.

1 THE REPORTER: Mark which?

2 MR. FISCHBACH: Both of those.

3 THE REPORTER: As separate exhibits?

4 MR. FISCHBACH: Yes.

5 THE REPORTER: This is 27.

6 MR. FISCHBACH: Great.

7 (Exhibit 27 was marked for identification.)

8 THE REPORTER: And this is 28.

9 MR. FISCHBACH: Great.

10 (Exhibit 28 was marked for identification.)

11 BY MR. FISCHBACH:

12 Q. Sir, the court reporter handed you what has been  
13 marked as deposition Exhibits 27 and 28. Exhibit 27 is  
14 a letter dated September 23rd, 2019, from myself to your  
15 former attorney Mr. Sean Gates discussing topics for  
16 your deposition. The second topic is any written or  
17 email communications disclosed by Tesla to or from Elon  
18 Musk.

19 Do you see that, sir?

20 THE WITNESS: This one right here?

21 MR. SPIRO: It's the other exhibit. The one to  
22 your right.

23 THE WITNESS: Oh.

24 BY MR. FISCHBACH:

25 Q. You see those bullet points, sir?

1 A. Yes.

2 Q. All right. Second bullet point is "Any written  
3 or email communications disclosed by Tesla to or from  
4 Elon Musk."

5 Did I read that right?

6 A. Yes.

7 Q. All right. And I will avow to you, sir, that  
8 this was in fact Exhibit K to our motion to compel your  
9 deposition that's referenced in the court's order here  
10 at Exhibit 28. And it says "The Court will allow Elon  
11 Musk to be deposed on items 1, 2, 3, and 5 as outlined  
12 in Exhibit K [to] the motion to compel."

13 So subject to any written or email  
14 communications disclosed by Tesla to or from email -- to  
15 or from Elon Musk, Exhibit 26 is in that category, is it  
16 not, Mr. Spiro?

17 MR. SPIRO: My objection's noted. You can ask  
18 the question.

19 BY MR. FISCHBACH:

20 Q. So, sir, you wrote in here "Don't they have  
21 something else to write about? It is so tiresome to see  
22 myself in the news," exclamation point.

23 Did I read that correctly, sir?

24 A. Yes.

25 Q. And above that, you wrote "Will tweet as I wish

1 and suffer the consequences. So it goes."

2 Did I read that correctly, sir?

3 A. Yes.

4 Q. Do you see any conflict between those two  
5 statements, it's tiresome to see yourself in the news  
6 but you'll tweet as you wish and suffer the  
7 consequences?

8 MR. SPIRO: Objection to form. It's not a  
9 permissible legal question.

10 But you can answer if you can understand it.

11 THE WITNESS: I can't understand it.

12 BY MR. FISCHBACH:

13 Q. I said do you see any conflict between those two  
14 statements.

15 MR. SPIRO: Same objection.

16 THE WITNESS: Same response.

17 BY MR. FISCHBACH:

18 Q. You don't understand the question?

19 A. No.

20 Q. Did I read the two statements correctly?

21 A. Did you -- can you read?

22 Q. I said did I read the two statements correctly,  
23 Mr. Musk.

24 A. I think you spoke the words from the email.

25 Q. Do you know the two statements I'm referring to?

1 A. Yes.

2 Q. All right. So do you see any conflict between  
3 those two statements?

4 MR. SPIRO: Objection to form.

5 THE WITNESS: So --

6 MR. SPIRO: You can -- if you can understand the  
7 question, you can ask. If you can't, you don't have  
8 to --

9 THE WITNESS: Yeah. Unfortunately I cannot  
10 understand it.

11 BY MR. FISCHBACH:

12 Q. What did you mean when you said "Will tweet as I  
13 wish and suffer the consequences"?

14 A. Well, I think I meant that I will tweet as I  
15 wish -- you know, First Amendment -- and suffer the  
16 consequences.

17 Q. Nothing more than that?

18 A. I don't think there's a deep and hidden meaning  
19 between -- behind the simple statement.

20 Q. Is that -- is that a general attitude towards  
21 your statements on Twitter, or was it more specific?

22 MR. SPIRO: Well, objection to that question as  
23 being outside the scope of the deposition.

24 MR. FISCHBACH: I'm asking him what the  
25 statement meant.

1 MR. SPIRO: And he's already answered you. It  
2 meant what the words said.

3 Do you have anything further to add?

4 THE WITNESS: No.

5 Well, I did delete my Instagram because it's  
6 weak sauce.

7 MR. SPIRO: Thank you for adding that for the  
8 record.

9 BY MR. FISCHBACH:

10 Q. Is it still deleted, Mr. Musk?

11 A. It's hard deleted, unrecoverable.

12 Q. Well, this was -- this email was dated  
13 August 21st of 2018. Before you deleted that Instagram  
14 account, did you use it to message anybody about  
15 Mr. Tripp?

16 A. No.

17 Q. Other than erm@tesla.com, what other email  
18 accounts have you used to communicate with others  
19 regarding Martin trip?

20 A. I mean, I think some of the emails had  
21 erm@spacex.com. I don't think anything else.

22 Q. So other than erm@tesla.com and erm@spacex.com,  
23 what other emails have you used to communicate with  
24 others regarding Martin Tripp?

25 A. I don't think I've used any other emails.

1 Q. Do you have any other emails?

2 A. I have, like, some spam accounts.

3 Q. What are those emails?

4 A. Elonmusk@yahoo.com. It's pretty embarrassing.

5 Q. Any other ones?

6 A. Elonmusk@gmail.com, but I haven't checked either  
7 of these email addresses in years.

8 Q. Any others?

9 A. No. I mean, I have a Neuralink email address,  
10 but this is unrelated.

11 Q. Have you ever communicated with anybody about  
12 Mr. Tripp via text message?

13 A. I mean, it's possible that I may have  
14 communicated with Nick Gicinto.

15 Q. Okay. Who else is it possible that you may have  
16 communicated with?

17 MR. SPIRO: Don't guess. If you actually know.

18 THE WITNESS: I don't actually know.

19 MR. FISCHBACH: There's one minute left on the  
20 tape. Let's go off the record and change out the tape.

21 THE VIDEOGRAPHER: Going off the record. Time  
22 is 3:06 P.M.

23 (A break was taken.)

24 THE VIDEOGRAPHER: This marks the beginning of  
25 Video Media Number 2 to videotaped deposition of Elon



1 Musk. Going back on the record. Time is 3:15 P.M.

2 BY MR. FISCHBACH:

3 Q. Mr. Musk, we discussed earlier about the fact  
4 you deleted your Instagram account and you claim you had  
5 not communicated with anybody regarding Mr. Tripp via  
6 Instagram messenger.

7 Have you communicated with anybody regarding  
8 Mr. Tripp over any other kind of social media platform  
9 messaging such as Twitter, Facebook, Snapchat?

10 A. I've never been on Facebook, and I -- I never  
11 used Snapchat. I don't think there was -- I -- I  
12 don't -- I don't think there's been any communication on  
13 Twitter.

14 Q. You never messaged anybody on Twitter regarding  
15 Mr. Tripp?

16 A. I mean, it's possible that I may have, but I  
17 don't recall having done so.

18 Q. Have you received any messages on Twitter via --  
19 or regarding Mr. Tripp?

20 A. That are -- you -- you can't just message me,  
21 yeah.

22 Q. Well, I don't know. I've never tried, Mr. Musk.

23 A. Yeah, yeah.

24 Q. But have you ever sent to anybody messages --

25 MR. SPIRO: Some lawyers have, you know. Some

1 random lawyers.

2 THE WITNESS: Yeah.

3 MR. SPIRO: We've had problems.

4 THE WITNESS: Yeah. I mean, any public  
5 messaging of me -- or replying to me would be public  
6 information.

7 BY MR. FISCHBACH:

8 Q. But I'm talking about private messages via  
9 Twitter.

10 A. Oh.

11 Q. Have you ever exchanged private messages with  
12 anybody on Twitter --

13 A. No --

14 Q. -- about Mr. Tripp?

15 A. -- I don't think so.

16 Q. The Twitter account you used for the statements  
17 about Mr. Tripp and Linette Lopez was @elonmusk. Do you  
18 have any other Twitter accounts?

19 A. No. It's literally the only social media thing  
20 I use at all.

21 Q. Have you ever had any phone conversations with  
22 Bonnie Norman about Mr. Tripp?

23 A. No.

24 Q. Did you approve of Tesla bringing this lawsuit  
25 against Mr. Tripp?

1 A. Yeah.

2 Q. Did you think it was the right thing to do?

3 A. Yes.

4 Q. If somebody had come to you and said "Let's  
5 not," you know "spend" --

6 MR. SPIRO: Objection to form.

7 MR. FISCHBACH: All right. Let me finish the  
8 question. Then I'll let you interpose your objection.

9 MR. SPIRO: Okay.

10 MR. FISCHBACH: If somebody other than your  
11 attorneys had come to you and said, "Let's not waste  
12 time and money on this," would you have listened to  
13 them?

14 MR. SPIRO: Objection. Form. Calls for  
15 speculation. It's an improper question.

16 You can answer it if you can answer what would  
17 have hypothetically happened in some if scenario that  
18 would never be admissible in a courtroom.

19 THE WITNESS: Yeah, I -- I can't.

20 BY MR. FISCHBACH:

21 Q. You can't answer that question?

22 A. I am unable to answer your question.

23 Q. Do you understand the question?

24 A. I don't.

25 MR. FISCHBACH: Read the question back to the

1 witness.

2 MR. SPIRO: If you understand the question,  
3 answer it, if you can understand what would happen if  
4 somebody came to you. Do you know whether you would  
5 have proceeded, or -- or do you think it would have had  
6 any impact on you? Like if --

7 THE WITNESS: So if somebody had come up to  
8 me -- I'm not sure --

9 MR. SPIRO: And said maybe we shouldn't -- maybe  
10 we shouldn't go forward.

11 THE WITNESS: This is like a -- such a -- like,  
12 a -- I'm not sure what this sort of bizarre hypothetical  
13 is meant to get at and -- sorry, I don't know what you  
14 mean.

15 BY MR. FISCHBACH:

16 Q. Okay. Do you understand the question?

17 A. No.

18 MR. FISCHBACH: Please read the question back to  
19 the witness.

20 (The Reporter read the record as requested.)

21 THE WITNESS: If -- it depends on who that would  
22 be. Like, this is just a bizarre hypothetical. I --  
23 it -- it's, like -- this is an impossible to answer  
24 question.

25 BY MR. FISCHBACH:

1 Q. If one of the other senior offers at Tesla had  
2 come to you with that and said, "Let's not waste time  
3 our time and money on Martin Tripp by suing him," would  
4 you have listened?

5 A. I would have taken that into account.

6 Q. Would you have listened to the advice -- strike  
7 that.

8 Would you have followed the advice?

9 MR. SPIRO: Objection to form as to all these  
10 questions.

11 You can answer if you can.

12 THE WITNESS: I certainly listen to people's  
13 opinion, and then I may agree or disagree with that  
14 opinion.

15 BY MR. FISCHBACH:

16 Q. Sitting here today, knowing what you know, do  
17 you think any of the statements that are the subject of  
18 Mr. Tripp's counterclaims are in fact false?

19 MR. SPIRO: Objection to form.

20 But you can answer.

21 THE WITNESS: Pardon? Could you say that again.

22 MR. FISCHBACH: Read the question back to the  
23 witness, please.

24 (The Reporter read the record as requested.)

25 MR. SPIRO: Same objection.

1           Try to answer it.

2           THE WITNESS: I -- I don't -- wait. Do I  
3 believe that -- any of Tripp's counterclaims are what?  
4 What are you talking about?

5 BY MR. FISCHBACH:

6 Q.       Well, sir, a counterclaim --

7 A.       Do you want say what these things are?

8 Q.       Certainly, Mr. Musk. The counterclaim are based  
9 on statements made by you about Mr. Tripp, statements  
10 made in that June 17th email that you sent to everyone  
11 at Tesla, statements that you made to Julia Wong on  
12 June 20th to Julia Wong, and then statements you made on  
13 Twitter insinuating that Mr. Tripp had been compensated  
14 or promised compensation from Linette Lopez.

15           Sitting here today, knowing what you know, do  
16 you think any of those statements are false?

17 MR. SPIRO: Objection to form.

18           Answer the question if you can answer the  
19 question.

20           THE WITNESS: Can you just be specific about  
21 what statements you're referring to.

22 BY MR. FISCHBACH:

23 Q.       I just told you, Mr. Musk. Do you need me to  
24 tell you again?

25 MR. SPIRO: So the tweets to Linette Lopez.

1 THE WITNESS: Okay.

2 MR. SPIRO: The questions.

3 THE WITNESS: Do I think the tweets were false?  
4 The -- I -- where I asked the questions?

5 BY MR. FISCHBACH:

6 Q. Sir, I'm asking you, sitting here today --

7 A. Yeah.

8 Q. -- knowing what you know, do you think any of  
9 those three statements that I just referenced are in  
10 fact false?

11 A. Please state the statements --

12 Q. All right.

13 A. -- one at a time, and I'll say yes or no.

14 Q. Statement number one --

15 A. Yes.

16 Q. -- June 17th email stating that Mr. Tripp had  
17 caused extensive and damaging sabotage to Tesla's  
18 operations.

19 Sitting here today, knowing what you know, do  
20 you think that statement's false?

21 A. No. I think he did do it.

22 Q. All right. Sitting here today, the statement on  
23 June 20th to Julia Wong stating that you had just -- or  
24 the -- Tesla had just received a call at the Gigafactory  
25 that Martin Tripp was going to come back and shoot the

1 place up, do you think that statement was false?

2 A. No. I think that's true.

3 Q. All right.

4 A. What? Of course.

5 Q. Sitting here today, the tweet you made on  
6 July 5th insinuating that Mr. Tripp had been compensated  
7 or promised compensation from Linette Lopez -- do you  
8 think, sitting here today, knowing what you know, that  
9 statement's false?

10 A. That's -- that's -- again, you're engaging in  
11 legal trickery. I asked a question. That's not the  
12 same as making a statement.

13 Q. Do you wish to retract any of the statements  
14 regarding Mr. Tripp that are the subject of his  
15 counterclaims?

16 A. No.

17 Q. Do you wish to apologize to Mr. Tripp for  
18 anything?

19 A. I certainly do not.

20 Q. Have you read Mr. Tripp's deposition in this  
21 case?

22 A. No.

23 Q. Did you watch the video of Mr. Tripp's  
24 deposition?

25 A. No.



1 Q. Are you aware that during his deposition Tesla's  
2 counsel asked if he had been ever diagnosed with any  
3 kind of psychological condition?

4 A. No.

5 Q. Okay. Based on Tesla's investigation of  
6 Mr. Tripp, do you think he has any kind of psychological  
7 condition?

8 MR. SPIRO: Objection. If you --

9 THE WITNESS: You're asking my opinion? I think  
10 he's a -- mad and bad.

11 BY MR. FISCHBACH:

12 Q. Is that a psychological condition?

13 A. Yes.

14 Q. All right. Can I find -- can I find that in the  
15 DSM-5?

16 A. Well, you may know it better than I do.

17 Q. Are you aware that your attorney also asked  
18 Mr. Tripp during his deposition whether or not he had  
19 ever been diagnosed as a, quote, "narcissistic  
20 sociopath"?

21 A. No, I didn't know that. But it sounds like --  
22 sounds true.

23 Q. Do you think Martin Tripp's a narcissistic  
24 sociopath?

25 A. I think -- I think the word "narcissist" and

1 "sociopath" are abused. Do I think that it partly  
2 applies to him? Sure.

3 Q. Do you have some kind of unique ability to  
4 identify narcissistic sociopaths?

5 A. You mean by looking in the mirror?

6 Q. That wasn't my question, sir.

7 Do you have some kind of unique -- do you have  
8 some kind of unique ability to identify narcissistic  
9 sociopaths?

10 A. I mean, I think I have above average insight to  
11 people's personalities.

12 Q. And, sir, since you've brought it up, do you  
13 think you're a narcissistic sociopath?

14 A. No.

15 Q. All right. Then why did you say "by looking in  
16 the mirror"?

17 A. I was making a joke.

18 Q. All right.

19 A. You obviously didn't get it.

20 Q. Are we here to joke, Mr. Musk, or are we here to  
21 talk about the truth?

22 A. We're here to talk about the truth.

23 Q. Are you aware that during Mr. Tripp's deposition  
24 Tesla's counsel asked him if he had had an extramarital  
25 affair?

1 A. No.

2 Q. Did Tesla's investigation include whether or not  
3 he had had an extramarital affair?

4 A. No.

5 Q. Do you think that's even relevant to this case?

6 MR. SPIRO: Objection. It calls for a legal  
7 answer. Whether or not it's relevant is for a court to  
8 decide.

9 You don't -- I mean, you can't answer a legal  
10 conclusion.

11 THE WITNESS: I mean, it -- I don't know if it  
12 would be relevant. It seems a little obtuse. It may  
13 speak to character, but it seems a little obtuse.

14 MR. FISCHBACH: What number are we on?

15 THE REPORTER: 29.

16 (Exhibit 29 was marked for identification.)

17 BY MR. FISCHBACH:

18 Q. Mr. Musk, I see that you laughed, but I do have  
19 a serious question about this exhibit, Exhibit 29.

20 A. I -- I thought -- I thought this -- you're  
21 not -- that you were going to -- that -- that this was  
22 not about jokes. And here you are putting a joke on --  
23 you're wasting time in the deposition for jokes.

24 Q. I want to know, Mr. Musk. This tweet that was  
25 actually on February of this year in which you're

1     apparently wearing a T-shirt, was that you in this  
2     photograph here, sir?

3             MR. SPIRO: Can you tell me how this comports  
4     with the court's ruling?

5             THE WITNESS: Yeah.

6             MR. SPIRO: These questions are --

7             MR. FISCHBACH: Well, let me ask a question  
8     then.

9             MR. SPIRO: Okay.

10    BY MR. FISCHBACH:

11    Q.        When you posted this tweet, was this a reference  
12    to Mr. Tripp or your deposition here today?

13    A.        No, of course not.

14             It's really funny that you think that, though.

15    Q.        I don't know unless I ask, Mr. Musk.

16             (Exhibit 30 was marked for identification.)

17    BY MR. FISCHBACH:

18    Q.        Any other jokes you want to tell, Mr. Musk?

19    A.        No. Any other jokes you want to tell?

20    Q.        Sir, the court reporter has handed you what's  
21    been marked as deposition Exhibit 30. This is a letter  
22    from -- well, it's to Martin Tripp dated September 29th,  
23    2017. And if you'll look at the fourth page, it appears  
24    to be signed by you.

25             Do you see that, sir?

1 A. Yeah. That's not an actual -- I mean, that's  
2 just a -- it's not like a -- I didn't sign this thing.

3 Q. Well, it's says "Signed, Elon Musk, Chairman of  
4 the Board and CEO"?

5 A. It's e-signed.

6 Q. All right. But that's what it says "Elon Musk,  
7 Chairman of the Board and CEO"?

8 A. Yeah. I think this is just a standard letter  
9 that's given to all employees.

10 Q. Are you still Chairman of the Board?

11 A. No.

12 Q. Are you aware --

13 A. I'm the chairman of b-o-r-e-d.

14 Q. Are you aware of the damages that Mr. Tripp is  
15 seeking in this case?

16 A. No.

17 MR. FISCHBACH: Take another break.

18 THE VIDEOGRAPHER: Going off record. Time is  
19 3:27 P.M.

20 (A break was taken.)

21 THE VIDEOGRAPHER: Going back on the record.  
22 Time is 3:29 P.M.

23 MR. FISCHBACH: 31?

24 THE REPORTER: Yes.

25 (Exhibit 31 was marked for identification.)

1 BY MR. FISCHBACH:

2 Q. Sir, the court reporter has handed you what has  
3 been marked as deposition Exhibit 31. This is  
4 Mr. Tripp's answer and counterclaim.

5 Did you ever review the counterclaim by  
6 Mr. Tripp?

7 A. No.

8 Q. Have you ever read it?

9 A. I have not.

10 Q. Did you ever take the time to look as to whether  
11 or not some of the allegations in his counterclaim are  
12 in fact true?

13 A. I -- no.

14 Q. Why not?

15 A. Because I -- I -- he -- he is just a huge liar  
16 and a criminal in my opinion.

17 Q. All right. Was it not important to you to  
18 determine whether or not there was any veracity to the  
19 allegations in the counterclaim?

20 MR. SPIRO: You can respond to that other than  
21 revealing conversations you've had with counsel  
22 obviously; so --

23 THE WITNESS: Yeah. We have to -- I mean, I've  
24 certainly discussed this case with counsel. But yeah, I  
25 mean, it -- this is -- this is obviously just -- or, in

1 my view, Tripp's attempt to get leverage over Tesla and  
2 me while escaping from his crimes obviously.

3 And you're representing him. Shame on you.

4 BY MR. FISCHBACH:

5 Q. Shame on me?

6 A. Shame, yes.

7 Q. Why shame on me?

8 A. Shame on you for representing such a bad person.

9 Q. Well, what do you mean by that, Mr. Musk?

10 A. I mean -- well, among a set of -- among his many  
11 other crimes, in my view, you know, he's not even paying  
12 for child support, and he's on the run in Hungary.

13 Q. But that was -- you said shame on me. Why shame  
14 on me for representing Mr. Tripp?

15 A. Well, you're -- you're -- you're representing  
16 such a bad person, you know.

17 Q. Anything else?

18 A. That's part of what's -- you know, like,  
19 there's -- there's a lot of things right about this  
20 country. Some of them, they're wrong.

21 Q. Anything else?

22 A. I would put you in that category.

23 Q. Anything else? You think I'm what's wrong with  
24 this country?

25 A. I think you're part of it, yes. Yeah.

1 Q. Anything else? Do you have any other insults  
2 you want to say to me during this deposition, Mr. Musk?

3 A. Do you have any insults you want to say to me?

4 Q. No. I don't answer your questions, Mr. Musk.  
5 You answer mine.

6 My question was do you have any other insults  
7 you'd like to state to me during this deposition?

8 MR. SPIRO: It's -- it sound like -- it sounded  
9 like no; so let's move on to another question about the  
10 Tripp case. It's, you know, limited categories for this  
11 deposition.

12 MR. FISCHBACH: Mr. Spiro, do you have any  
13 questions?

14 MR. SPIRO: I don't.

15 MR. FISCHBACH: Mr. Musk, thank you for being  
16 here today, sir. So it goes. Be well.

17 THE VIDEOGRAPHER: This concludes today's  
18 deposition of Elon Musk. A total of two media was used.  
19 We're going off record. Time is 3:32 P.M. Thank you.

20 (Deposition concluded at 3:32 P.M.)  
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TRANSCRIPT ORDERS

THE REPORTER: And how soon did you need your transcript, Counsel?

MR. FISCHBACH: Fairly soon.

MR. SPIRO: Can we mark this as confidential?

THE REPORTER: Mr. Spiro, a copy for you?

MR. SPIRO: She'll handle it.

THE REPORTER: How soon did you need that?

MR. FISCHBACH: Fairly quick.

MS. ZALDUENDO: Can we get a rough within 24 hours?

THE REPORTER: Absolutely.

And a rough for you as well?

MR. FISCHBACH: Yeah, that's fine.

THE REPORTER: And your final?

MR. FISCHBACH: No more than 10 days.

THE REPORTER: That's normal course. I can expedite sooner if you'd like.

MR. FISCHBACH: Five days.

MS. ZALDUENDO: Working days or five days?

THE REPORTER: Five business days.

MS. ZALDUENDO: Yeah. I think as long as we can get a rough in 24 hours, five days is fine.



1 STATE OF CALIFORNIA )  
 ) ss.  
1 COUNTY OF ALAMEDA )

3 I, Michael Hensley, Certified Shorthand Reporter,  
4 Registered Diplomate Reporter, in and for the State of  
5 California, Certificate No. 14114,  
6 do hereby certify:

7 That the witness in the foregoing deposition was by  
8 me first duly sworn to testify to the truth, the whole  
9 truth, and nothing but the truth in the foregoing cause;  
10 that said deposition was taken before me at the time and  
11 place herein named; that said deposition was reported by  
12 me in shorthand and transcribed, through computer-aided  
13 transcription, under my direction; and that the  
14 foregoing transcript is a true record of the testimony  
15 elicited and proceedings had at said deposition.

16 I do further certify that I am a disinterested  
17 person and am in no way interested in the outcome of  
18 this action or connected with or related to any of the  
19 parties in this action or to their respective counsel.

20 In witness whereof, I have hereunto set my hand  
21 this 26th of February, 2020.

22  
23  
24  
25

\_\_\_\_\_  
Michael Hensley, CSR NO. 14114

