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*Attorneys for Defendants and Counterclaim-Plaintiffs  
Elon R. Musk, X Holdings I, Inc.,  
and X Holdings II, Inc.*

<p>TWITTER, INC.,</p> <p style="text-align: right;">Plaintiff and Counterclaim- Defendant,</p> <p style="text-align: center;">v.</p> <p>ELON R. MUSK, X HOLDINGS I, INC., and X HOLDINGS II, INC.,</p> <p style="text-align: right;">Defendants and Counterclaim- Plaintiffs.</p>	<p>SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION: ATLANTIC/CAPE MAY COUNTY</p> <p>Case No: C.A. No. 2022-0613-KSJM (IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE)</p> <p>For the Issuance of a New Jersey Subpoena Under New Jersey Rule 4:11-4(b).</p>
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**SUBPOENA DUCES TECUM AND AD TESTIFICANDUM**

STATE OF NEW JERSEY TO:

Peiter Zatko



**YOU ARE HEREBY COMMANDED** to respond in writing to this subpoena and to produce for inspection and copying the books, documents, or tangible things in your possession, custody, or control identified in Schedule A hereto within seven days of the receipt of this subpoena at the offices of Marino, Tortorella & Boyle, P.C., 437 Southern Boulevard, Chatham,

NJ 07928, or at such other date, time, and location upon which the parties may mutually agree or may be ordered by the Court.

**YOU ARE HEREBY COMMANDED**, all business and excuses being laid aside, to appear for deposition upon oral examination on September 9, 2022 at 9:00 AM at the offices of Marino, Tortorella & Boyle, P.C., 437 Southern Boulevard, Chatham, NJ 07928. The deposition will commence on the date, time, and location set forth in the preceding sentence, or on such other date, time, or location mutually agreed to by the parties or ordered by the Court, and will continue day to day until completed. The deposition will be conducted before a notary public or other person authorized to administer oaths and will be recorded by stenographic, audio, video, and/or real-time transcription.

Attached as Schedule B hereto is a copy of the Stipulation and Order for the Production and Exchange of Confidential and Highly Confidential Information, which was entered by the Court on July 22, 2022.

Pursuant to New Jersey Rule 4:11-4(b)(3), please be advised that you have the right to move to quash or modify the subpoena or otherwise move under R. 4:10-3, R. 4:14-4, R. 4:23-1 or any other Rules Governing the Courts of the State of New Jersey that are applicable to discovery.

The names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel are attached hereto as Schedule C.

Further, if you are notified that a motion to quash the subpoena has been filed, the subpoenaed evidence shall not be produced or released until ordered to do so by the court or the release is consented to by all parties to the action.

Failure to comply with the command of this Subpoena will subject you to the penalties provided by law.

Date: August 25, 2022  
New York, New York

QUINN EMANUEL URQUHART  
& SULLIVAN, LLP

By: /s/ Jaclyn M. Palmerson

Jaclyn M. Palmerson (NJ Bar No. 209452016)  
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(212) 849-7000

*Attorneys for Defendants and Counterclaim-  
Plaintiffs Elon R. Musk, X Holdings I, Inc., and X  
Holdings II, Inc.*

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

TWITTER, INC., )  
)  
Plaintiff and )  
Counterclaim-Defendant, )  
)  
v. ) C.A. No. 2022-0613-KSJM  
)  
ELON R. MUSK, X HOLDINGS I, )  
INC., and X HOLDINGS II, INC., )  
)  
Defendants and )  
Counterclaim-Plaintiffs. )

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**SUBPOENA *DUCES TECUM* AND *AD TESTIFICANDUM* TO  
PEITER ZATKO**

**TO:**

Peiter Zatkan  
[REDACTED]  
[REDACTED]

This subpoena is issued pursuant to Delaware Court of Chancery Rules 26, 34, and 45. Court of Chancery Rules 45(c) and (d), attached hereto, set forth your protections and duties with respect to this subpoena.

**YOU ARE HEREBY COMMANDED**, all business and excuses being laid aside, to respond in writing to this subpoena and to produce for inspection and copying the books, documents, or tangible things in your possession, custody, or control identified in Schedule A hereto within 7 days of receipt of the subpoena at

the offices of Marino, Tortorella & Boyle, P.C., 437 Southern Boulevard, Chatham, NJ 07928, or at such other date, time, and location upon which the parties may mutually agree or may be ordered by the Court.

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OF COUNSEL:

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DATED: August 25, 2022

/s/ Joseph B. Cicero  
Robert A. Weber (#4013)  
Joseph B. Cicero (#4388)  
Elliott Covert (#6540)  
CHIPMAN BROWN CICERO & COLE,  
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*Attorneys for Defendants and  
Counterclaim-Plaintiffs  
Elon R. Musk, X Holdings I, Inc.,  
and X Holdings II, Inc.*

## **COURT OF CHANCERY RULE 45. SUBPOENA**

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### **(c) Protection of persons subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and may impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated documents, electronically stored information, or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court on behalf of which the subpoena was issued shall quash or modify the subpoena if it

(i) Fails to allow reasonable time for compliance;

(ii) Requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iii) Subjects a person to undue burden.

(B) If a subpoena

(i) Requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) Requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court on behalf of which the subpoena was issued may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the Court may order appearance or production only upon specified conditions.

**(d) Duty in responding to subpoena.**

(1) If a subpoena does not specify a form for producing documents or electronically stored information, the person responding shall produce it in a form or forms in which it is ordinarily maintained, or in which it is reasonably usable. Absent a showing of good cause, the person responding need not produce the same documents or electronically stored information in more than one form. The person responding need not provide discovery of documents or electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On a motion to compel discovery or for a protective order, the person responding to a subpoena must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the Court nevertheless may order discovery from such sources if the requesting party shows good cause. The Court may specify the conditions for the discovery.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, electronically stored information, or tangible things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

TWITTER, INC.,  
Plaintiff,

v.

ELON R. MUSK, X HOLDINGS I, INC.,  
and X HOLDINGS II, INC.,  
Defendant,

C.A. No. 2022-0613-KSJM  
(IN THE COURT OF CHANCERY OF  
THE STATE OF  
DELAWARE)  
C.A. No.: \_\_\_\_\_

CERTIFICATE OF SERVICE

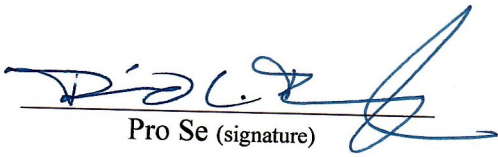
I, David Burroughs, hereby certify that on the below  
date I served a copy of the following documents:  
SUBPOENA DUCES TECUM AND AD TESTIFICANDUM

By (select one):  Certified mail  U.S. Mail OR  Yes Hand Delivered

to the following Person(s) (list names and addresses):

TO: Deiter Zatk  
[Redacted]  
[Redacted]

Date: August 27, 2022, 11:55 am

  
Pro Se (signature)

Name: David Burroughs (print)  
Address: [Redacted]  
Phone: ([Redacted])