

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OKLAHOMA FIREFIGHTERS PENSION  
AND RETIREMENT SYSTEM,

Plaintiff,

v.

ELON R. MUSK, ELON MUSK  
REVOCABLE TRUST DATED JULY 22,  
2003, EXCESSION, LLC, and JARED  
BIRCHALL,

Defendants.

No. 1:22-cv-03026-ALC-GWG

**NOTICE OF MOTION TO  
DISMISS LEAD PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the First Amended Complaint (Dkt. 99), the Memorandum of Law dated July 3, 2024, and all prior papers and proceedings herein, Defendants Elon R. Musk, the Elon Musk Revocable Trust Dated July 22, 2003, Excession, LLC, and Jared Birchall, by their undersigned attorneys, will move this Court, before the Honorable Andrew L. Carter, Jr., United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and time designated by the Court, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995 ("PSLRA"), for an Order dismissing the claims against Defendants in their entirety with prejudice, and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court-ordered briefing schedule (Dkt. 101) entered May 29, 2024, Plaintiff's memorandum of law in opposition, if any, must be served on the undersigned counsel by August 12, 2024.

DATED: July 3, 2024

Respectfully submitted,

/s/ Jesse Bernstein

Alex Spiro

Jesse Bernstein

Jacob Waldman

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