Aaron Greenspan
[redacted]
E-Mail: [redacted]

November 10, 2019

Via Electronic Mail

California Senator Scott Wiener
State Capitol
Room 5100
Sacramento, CA 95814-4900

RE: Senate Governance and Finance Committee Oversight of California Alternative Energy and Advanced Transportation Financing Authority

Dear Senator Wiener:

I am a resident of San Francisco, California in your District, a data journalist, and an investor with a short position in Tesla, Inc. I am writing you regarding a scandal involving approximately $200 million in tax subsidies[1] provided to Tesla, Inc. and/or Tesla Motors, Inc. (collectively, "Tesla") by the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) at the expense of California taxpayers.

As you may be aware, Tesla—which has donated several thousand dollars to your re-election campaigns according to several Form 635 filings from March 31, 2018, September 30, 2018, and March 31, 2019—is the single largest beneficiary of CAEATFA subsidies, having received benefits from the program since 2011. As of June 1, 2019, out of the $9.24 billion worth of qualified purchases that CAEATFA has exempted from sales and use tax, $2.34 billion of that amount has been allocated to Tesla's seven CAEATFA applications alone, comprising over 25% of the entire

[1] In the context of government spending, $200 million may seem like a trivial amount of money. Yet Tesla's supposed, unaudited Q3 2019 GAAP profit of $143 million was enough to send its stock soaring over 30%, adding $15 billion in market capitalization in a matter of days. Without CAEATFA, that "profit" would not have been possible. The question this letter seeks to address is whether the State of California should be generously subsidizing what appears to be a money-losing enterprise with a tendency to repeatedly violate civil and criminal law.

State program. This corresponds to a Sales and Use Tax Exclusion amount of $195.7 million, a number that seems to be steadily growing with each passing year.

To be clear, I am generally a supporter of electric vehicle technology and I think that entrepreneurial ideas designed to reduce pollution and waste should be encouraged. Yet despite this general enthusiasm for progressive ideals, I am alarmed at Tesla's record when it comes to legal compliance.

I. False Statements in Tesla's Most Recent Application for CAEATFA Subsidies

To date, Tesla has filed seven applications for CAEATFA subsidies. In the most recent application filed January 18, 2019, Tesla was asked to, "Disclose any legal or regulatory action or investigation that may have a material impact on the financial viability of the project or the Applicant. The disclosure should be limited to actions or investigations in which the Applicant or the Applicant's parent, subsidiary, or affiliate involved in the management, operation, or development of the project has been named a party." The response to this request was "None."

This response was false. To date, Tesla, SolarCity Corporation and its subsidiaries, and Tesla CEO Elon Musk and his companies (excluding The Boring Company and Space Exploration Technologies Corporation, or "SpaceX") have been involved as parties in almost 800 lawsuits, the vast majority of the time as defendants. Many of these lawsuits are ongoing, and some pose a serious threat to Tesla's viability as a going concern. Among them are:

- Delaware Court of Chancery Case No. 12711-VCS, a derivative shareholder lawsuit filed in 2016 in which it is alleged that Elon Musk bailed out SolarCity, run by his cousins, in order to protect his own financial interests at the expense of Tesla shareholders, and against the advice of every other party involved who was not his direct relative;
- Ninth Circuit Court of Appeals Case No. 19-15672, an appeal of a federal class action lawsuit filed April 8, 2019, concerning Tesla's allegedly false representations regarding the manufacturing of the Model 3, which is relevant to tax subsidies granted by CAEATFA;
- California Northern District Court Case No. 3:18-cv-04865-EMC, a consolidated federal class-action lawsuit, filed August 10, 2018, regarding Elon Musk's "funding secured" tweet during trading hours in regard to a deal to take Tesla private that did not actually exist—perhaps the most brazen case of securities fraud in the history of the stock market;
- California Northern District Court Case No. 3:18-cv-07325-CRB, a federal class action lawsuit alleging that Tesla's bond disclosures concerning the Model 3 were misleading and deficient.

While Tesla did presumably provide a copy of its 2018 SEC Form 10-K as an attachment, it did not point out that the company itself and its CEO had already signed SEC consent decrees requiring each party to pay $20 million fines in late 2018 on account of securities fraud committed by Elon Musk. These were serious, material omissions.

Furthermore, according to a FOIA response obtained by my non-profit organization, Think Computer Foundation, Tesla did not disclose to the SEC or shareholders what Elon Musk personally knew since at least as early as October 17, 2018: that Tesla was the subject of *at least one* Federal Trade Commission (FTC) probe. In a letter sent to Mr. Musk by the National Highway

Traffic Safety Administration (NHTSA), Chief Counsel Jonathan Morrison wrote, "Because your company has also previously failed to conform to these Guidelines, we are also referring this matter to the Federal Trade Commission's Bureau of Consumer Protection."[2]

By the time its most recent application was filed, Tesla was likely also aware of one or more ongoing criminal investigations concerning its factory in Buffalo, New York, which should have been explicitly noted on its application for tax subsidies. On September 20, 2016, a criminal complaint was filed in federal court in the Southern District of New York, Case No. 1:16-cr-00776-VEC, concerning the "Buffalo Billion" scandal, in which bids were rigged to build SolarCity's (later Tesla's) New York factory. A superseding indictment was filed on May 11, 2017. After Tesla's most recent CAEATFA application was filed, New York admitted that the Tesla factory was essentially worthless, and wrote off an $884 million expense.[3]

Additional figures in Tesla's most recent CAEATFA application refer to the number of employees working for Tesla in California on each of its car models released thus far: the Model S, Model X, and Model 3. Gross payroll numbers are also associated with these figures. However, the spreadsheet does not appear to make any allowance for the possibility that some (and likely many) workers actually work on more than one car model. Therefore, Tesla may be artificially inflating the number of employees and gross payroll its operations have brought to California. At the very least, these figures are unclear.

Perhaps most egregious is the fact that the May 31, 2019 Sales and Use Tax Exclusion Program Master Regulatory Agreement between CAEATFA and Tesla, Inc. includes amongst its recitals the statement,

> "Tesla requested a sales tax exclusion award to expand its body shop, stamping line, vehicle assembly, plastics shop, production control, tooling, and prototyping to design and manufacture its Model 3 electric vehicle (the "Project"). On March 31, 2016, Tesla unveiled the Model 3, a lower-priced sedan designed for the mass market, with a starting base price of $35,000. Pre-orders for the Model 3 were accepted, and the Company represents that Model 3 deliveries began in July 2017."

Yet on April 12, 2019, *The Verge* reported "Tesla's original plan for the $35,000 Model 3 is dead" as Elon Musk had decided to raise the Model 3's base price.[4]

II. Lack of Transparency in Tesla's Dealings with New York State

For years, journalists and lawmakers have wondered exactly what Tesla is building at its factory in Buffalo, New York, why Elon Musk hardly ever visits (despite owning a Gulfstream 650ER private jet, and two other jets before that one), and why hardly anyone from the public is ever allowed in despite the factory's public financing. Tesla has so frustrated New York legislators that

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[2] *See* https://www.plainsite.org/documents/fnrhg/tesla-nhtsa-foia-response/.
[3] *See The Buffalo News*, November 8, 2019, "Tesla's Buffalo plant gets $884 million write-down." https://buffalonews.com/2019/11/08/pennies-on-the-dollar-the-tesla-plant-isnt-worth-nearly-what-the-state-paid-to-build-it/
[4] *See The Verge*, April 12, 2019, "Tesla's original plan for the $35,000 Model 3 is dead." https://www.theverge.com/2019/4/12/18307583/tesla-original-plan-tesla-model-3-base-model

on September 10, 2019, four lawmakers signed a resolution calling upon the New York State Comptroller to "Publicly Audit NYS's Investment into the Riverbend Plant and Tesla's Current Plant Operations." The resolution is attached to this letter, and I suggest you read it carefully, as many of the concerns that New York legislators have raised about Tesla in New York should apply equally to its operations in California. The audit is now in progress.

III. Material Discrepancies Between Figures Provided to the SEC and CAEATFA

As part of a recent response to a request under the California Public Records Act, CAEATFA supplied several Microsoft Excel spreadsheets that constitute the digital version of Tesla's most recent application for a subsidy. Four of these spreadsheets represented four versions of Tesla's application, which according to the spreadsheet metadata may have been prepared with assistance from a consulting firm called Blue Sky Consulting Group. All of the released spreadsheets were edited by CAEATFA staff on the same day they were provided.[5] The first version of Part B of the application contains figures in a tab marked "Data Set" (which the other versions do not) that are surprising because they are completely different from projections disclosed to the public via Tesla's SEC Forms 10-Q and 10-K, and different from material statements made to investors by Elon Musk. It's not the first time.[6]

On January 30, 2019, Mr. Musk stated the following on a regulated, recorded and transcribed investor earnings call:

> "I mean, my best guess, this is just a guess, my best guess for demand of Model 3 worldwide is something—in a strong economy, it's something on the order of **700,000** or **800,000** units a year. That's my best guess for demand of Model 3 in a strong economy. If the economy goes into a recession, then I think that could be something under 40% less. But I think even in a recession, worldwide demand is still something in the order of **500,000** for Model 3" (emphasis added).

About two weeks earlier, on January 18, 2019, Tesla told CAEATFA something completely different: that the "Delivery Plan" for Model 3 would ***never exceed 250,000 units per year*** *through 2021.* This difference is significant and material in the context of the Securities Exchange Act of 1934. It is also remarkable given that Mr. Musk signed a consent decree and paid a $20 million fine only months prior after violating securities laws, which he was ordered not to do again.

The relevant part of the application spreadsheet submitted to CAEATFA is as follows:

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[5] CAEATFA provided the full response via a service called MyAirBridge.com, which I appreciated as internet data transfers are much faster (and less expensive for taxpayers) than postal mail. However, as I warned CAEATFA staff, MyAirBridge.com is not a reliable vendor. MyAirBridge Ltd. appears to be based in the Czech Republic and owned by a British shell company with nominee directors located in Cyprus. To the extent it could have ties to foreign state actors, California government agencies and officials should avoid using this website, especially when there are numerous alternatives such as Dropbox and Microsoft OneDrive, many of which are actually based in California.

[6] *See The Truth About Cars*, October 4, 2017, "Truth in Numbers: Tesla Motors Kind of Lied to Us." https://www.thetruthaboutcars.com/2017/10/tesla-busted-lies/

Model 3

Year	1	2	3	4	5		
	2017	2018	2019	2020	2021	Total	Avg 5 years
Build Plan Model 3							
Delivery Plan Model 3	1,770	152,977	250,000	250,000	250,000	904,747	180,949.40
Average Model 3 ASP	$56,031.00	$57,690.00	$50,345.00	$42,355.00	$41,719.68	$248,140.68	49,628.14
Material Cost	$26,384.58	$23,257.29	$20,130.00	$19,727.40	$19,530.13	$109,029.39	20,394.00
% Vendors in CA	10.9%	10.7%	10.7%	10.5%	10.3%	53%	11%
Labor Cost per Vehicle (excl OH)	$32,426	$3,799	$1,955	$1,935	$1,916	$42,030.62	2,309.99
CA % sales	27%	30%	25%	20%	20%	122.00%	24.40%
Labor Cost per Vehicle	57,394,020	581,159,623	488,672,500	483,785,000	478,947,500	2,089,958,643	2,309.99

While it is possible that these numbers were revised in versions 2-4 of the application, for some reason, they do not appear in those versions. It would seem highly unlikely that they doubled. Rather, it appears that Tesla has either been lying to its investors, or lying to the State of California. So far, Tesla's reported Model 3 delivery numbers are as follows:

Q1 2019	50,900
Q2 2019	77,550
Q3 2019	79,600
Q4 2019	[Pending Release]
Total	**208,050**

Based on these reported figures, the Delivery Plan estimate of 250,000 vehicles appears to be far more realistic than what Elon Musk reported to investors in late January 2019: 500,000 to 800,000. Tesla's formal 2019 guidance, 360,000 to 400,000 vehicles total, is still markedly higher than what was disclosed to CAEATFA.[7]

Aside from the fact that Tesla has been sued repeatedly for failing to pay its taxes, the fact that Mr. Musk has repeatedly lied to investors should concern CAEATFA far more than it appears to have thus far, and should also disqualify his businesses from receiving tax subsidies.

IV. Tesla's General Disregard for the Rule of Law

While the State of California has been blessing Mr. Musk and Tesla with hundreds of millions of dollars in tax subsidies, Mr. Musk and Tesla have been breaking laws for financial gain.

[7] In order to achieve this formal guidance based on the CAEATFA Model 3 baseline, Tesla would have to sell 110,000 to 150,000 Model S and X vehicles in 2019. In Q1 2019, Tesla reported "delivering" 14,150 Model S and X vehicles. In Q2 2019, the figure was 17,650. In Q3 2019, the figure was 17,400. It is highly unlikely that Tesla will sell 60,800 Model S and X units in Q4—nearly quadruple the average of the prior three quarters—to fill the gap.

A. Delaware Litigation Documents

On October 24, 2019, Think Computer Foundation was successful at unsealing thousands of pages of deposition transcripts and other previously confidential documents in the aforementioned Delaware derivative shareholder lawsuit concerning Tesla's merger with SolarCity. To be blunt, even with portions redacted by Tesla and its Board of Directors, these documents clearly illustrate that Elon Musk and his fellow Board members routinely broke the law, engaged in securities fraud, engaged in accounting fraud, and may have committed numerous crimes in so doing. I encourage you and your staff to review the documents[8] and the numerous articles that have been written (and are still being written) about them.[9]

The notion that the State of California would knowingly and willingly provide tax breaks to white-collar criminals is outrageous, and as a California taxpayer I am incensed.

B. Concerns of Tesla Competitors

On March 26, 2019, the California New Car Dealers Association (CNCDA) wrote to Kathleen Webb, Director of the California Department of Motor Vehicles concerning "Tesla Motors Advertising and Consumer Protection Violations." The CNCDA's letter is enclosed. While it is perhaps normal for competitors to gripe about one another, the State has a special responsibility to ensure that those companies receiving special tax benefits are behaving in accordance with the law.

On September 18, 2019, Tesla was also sued in New Jersey by the New Jersey Coalition of Automotive Retailers for numerous alleged violations of that state's laws.[10] Among the allegations in the complaint: a "bait and switch" scheme involving deposits for the Model 3 (produced with CAEATFA subsidies), misleading advertising involving Autopilot (also produced with CAEATFA subsidies), "improper temporary registrations" (a common complaint from Tesla buyers nationwide, including in California, and a problem of which I made CAEATFA aware in a public comment letter in January 2019 by which point the problem had been acknowledged in writing by Tesla attorney, and now General Counsel, Jonathan Chang to the New Jersey Motor Vehicle Commission, as early as July 10, 2017), and a possible tax evasion scheme involving the New York/New Jersey border.

C. Concerns of Tesla Employees

In 2018, investigative journalism outlet *Reveal* highlighted numerous problems at Tesla regarding working conditions, including serious safety problems.[11,12] Despite direct testimony at a

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[8] *See In Re Tesla Motors, Inc. Stockholder Litigation*, Delaware Court of Chancery, Case No. 12711-VCS. https://www.plainsite.org/dockets/32atfyhh5/court-of-chancery-of-delaware/in-re-tesla-motors-inc-stockholder-litigation/

[9] *See Business Insider*, October 30, 2019, "The future of Elon Musk's empire was in peril in 2016, and new documents reveal more about the desperate plan to save it." https://www.businessinsider.com/elon-musk-tesla-solarcity-merger-frenzied-plan-new-filings-show-2019-10

[10] *See NJ Coalition Of Auto Motive Re v. NJ Motor Vehic*, Superior Court of New Jersey, County of Mercer, Case No. MER-L-001836-19. https://www.plainsite.org/dockets/41wtepvzy/superior-court-of-new-jersey-county-of-mercer/nj-coalition-of-auto-motive-re-v-nj-motor-vehic/

[11] *See* https://www.revealnews.org/tag/tesla/.

CAEATFA meeting from at least one Tesla whistleblower, and despite the fact that Tesla was sued by workers 27 times so far in 2019, up from 22 in 2018,[13] CAEATFA has done nothing but continue to rubber stamp Tesla's applications. Fortunately, other regulators have taken their jobs seriously. In September 2019, the National Labor Relations Board ruled that Tesla had violated labor laws in 12 different instances as it sought to discourage union formation.[14]

D. Air Quality Concerns

According to the California Legislative Analyst's Office, "CAEATFA is housed within the State Treasurer's Office and operates a variety of programs that provide financial assistance—such as tax exemptions, loans, and bonds—largely to entities developing technologies intended to **reduce air pollution** and conserve energy" (emphasis added).

It is therefore surprising that despite receiving CAEATFA benefits, Tesla routinely uses rented diesel generators, known to contribute to air pollution, to re-charge the batteries of vehicles sitting in inventory at its various sales centers in California and nationwide. In addition, the Tesla paint shop in Fremont, California has been the site of numerous fires, for which the company has been fined by the Bay Area Air Quality Management District.[15,16] In its most recent CAEATFA application, Tesla requested additional tax breaks for its environmentally damaging paint shop.[17]

Eleven days after the 2019 CAEATFA application was filed, *The Washington Post* published an article entitled, "Elon Musk's highflying 2018: What 150,000 miles in a private jet reveal about his 'excruciating' year." This article referred to only one of Musk's private jets. His Dassault Falcon 900 aircraft was sold in late August or early September 2018, presumably to help pay his SEC fine, which may have violated the consent decree's prohibition against reimbursement if the jet was in fact owned by Falcon Landing LLC, Mr. Musk's "real estate and aircraft holding company" registered with the California Secretary of State. A third jet, a Falcon 8X, was sold in January 2019. Both Falcon jets were sold to Texas businessmen in the oil industry via LLCs.

E. Tesla's and CAEATFA's Inappropriate Behavior

E-mail messages disclosed by CAEATFA in response to Think Computer Foundation's public records requests demonstrate inappropriate conduct by both Tesla lobbying staff and CAEATFA staff. In some instances, Tesla asked for and was granted early access to CAEATFA reports about

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[12] *See* CNBC, July 15, 2019 (updated July 19, 2019), "Tesla employees say they took shortcuts, worked through harsh conditions to meet Model 3 production goals." https://www.cnbc.com/2019/07/15/tesla-workers-in-ga4-tent-describe-pressure-to-make-model-3-goals.html

[13] *See* https://www.plainsite.org/tags/tesla-worker-rights/.

[14] See *Vox*, September 30, 2019, "Elon Musk broke US labor laws on Twitter." https://www.vox.com/identities/2019/9/30/20891314/elon-musk-tesla-labor-violation-nlrb

[15] *See* CNBC, June 1, 2018, "Tesla workers say factory paint shop has had multiple fires, causing more problems than Tesla let on." https://www.cnbc.com/2018/06/01/tesla-factory-paint-shop-fires-worse-than-revealed-workers.html

[16] *See* http://www.baaqmd.gov/~/media/files/communications-and-outreach/publications/news-releases/2018/settle_tesla_180301_2018_017-pdf.pdf

[17] A Tesla owner in Finland, Joni Savolainen, has reported numerous problems with Tesla's paint shop process based on his own experience with the Model 3, causing a formal investigation to commence in Finland. *See* https://www.plainsite.org/documents/f3mn9/tavarantarkastuskertomus-finnish-model-3-paint-assessment/. *See also* *The Drive*, August 2, 2019, "Finnish Tesla Model 3 Inspection Reveals Soft, Thin, Under-Spec Paint." https://www.thedrive.com/tech/29257/finnish-tesla-model-3-inspection-reveals-soft-thin-under-spec-paint

Tesla, before they were released to the public. Specifically, on March 27, 2019, Tesla Associate General Counsel for Tax Incentives Erin Bradley wrote, "Related to the final staff summary for April's application, we ask if you could please provide it to us before you provide it to any press? That would be very much appreciated." CAEATFA Executive Director Deana Carrillo responded, "The staff report will definitely be provided to Tesla in advance, and will likely not be shared until its public." Incredibly, she went on to inform Tesla that CAEATFA had "inadvertently" shared internal communications with Tesla legal staff.

Tesla's lobbying disclosures indicate that on February 6, 2019, Tesla paid $232.48 for a lunch from Specialty's Café & Bakery in Pleasanton, California. In attendance were Fiona Ma, California State Treasurer, and several of her staff: Brett Keller, Gloria Li, Jovan Agee, Kasey O'Connor, Kathryn Asprey, Noah Starr, Samantha Fong, and Seth Doulton.[18] Fiona Ma oversees CAEATFA as State Treasurer. To be fair, this lunch expense was a small fraction of the $295,960.48 that Tesla spent on lobbying in California in the first quarter of 2019. But it is hard not to perceive such transactions as payment for state officials to look the other way while a corporate actor with a reputation for breaking laws broke them some more.

Part of the $295,960.48 went to Dan Chia, a former California state official who appears to have sent e-mails to CAEATFA Executive Director Deana Carrillo warning her in advance of potentially negative press stories concerning Tesla so that she could disregard them. This kind of interaction between a government regulator and a regulated entity is highly unusual and raises red flags about the closeness of the relationship between Tesla and CAEATFA, not to mention other entities that Ms. Carrillo is supposedly regulating.

F. Elon Musk's Pattern of Harassment

Whatever one may think of him, it is clear that Elon Musk has a problem with harassment. In his videotaped deposition on June 1, 2019 for the aforementioned Delaware derivative lawsuit involving SolarCity, the lawyer deposing Musk was finally forced to ask, "So do you bully people all the time? Is that sort of your regular course of conduct?"[19] Sadly, the answer to that question is "yes."

Mr. Musk is facing trial in a libel lawsuit in less than a month involving a British man he referred to as a "pedo guy" on Twitter and wrongly accused of marrying a child bride.[20] Regarding a dispute over a subpoena in that lawsuit, a federal judge declared that Musk had targeted a journalist for questioning over "irrelevant and harassing topics."[21] In Nevada District Court, Mr. Musk is also being sued by a whistleblower who used to work for him.[22] At Mr. Musk's direction, Tesla is suing *another* whistleblower about whom Tesla appears to have concocted a

[18] *See* http://cal-access.sos.ca.gov/PDFGen/pdfgen.prg?filingid=2380325&amendid=0.
[19] *See In Re Tesla Motors, Inc. Stockholder Litigation*, Delaware Court of Chancery, Case No. 12711-VCS, Document 328-2, Page 176. https://www.plainsite.org/dockets/download.html?id=285647386&a=2&z=fd4ffdbe
[20] *See Vernon Unsworth v. Elon Musk*, California Central District Court, Case No. 2:18-cv-08048-SVW-JC. https://www.plainsite.org/dockets/3cddrxs4o/california-central-district-court/vernon-unsworth-v-elon-musk/
[21] *See Unsworth v. Musk*, California Northern District Court, Case No. 3:19-mc-80224-JSC, Document 32, Page 12. https://www.plainsite.org/dockets/download.html?id=285699792&z=0a9dae05
[22] *See Hansen v. Musk et al*, Nevada District Court, Case No. 3:19-cv-00413-LRH-WGC. https://www.plainsite.org/dockets/3zq7utsfl/nevada-district-court/hansen-v-musk-et-al/

story that the whistleblower had posed a threat of gun violence.[23] Yet another Tesla whistleblower—the same one who testified before CAEATFA—inexplicably had Child Protective Services called regarding her children, based on a false report.[24] Tesla pursued, then abandoned, a restraining order against *another* citizen journalist who accurately reported on the Fremont factory's production statistics, and in the course of attempting (but failing) to prosecute him, had a Tesla employee provably lie under oath. And Mr. Musk was reported to have shoved an employee in the Tesla parking lot, though Tesla's Board of Directors supposedly found no wrongdoing.[25]

As though the above were not enough to disqualify a person from receiving hundreds of millions of dollars worth of special tax treatment, I have also been harassed by Mr. Musk personally and by others on behalf of Tesla. I have reported the events involved to the San Francisco Police Department, which has taken no action thus far. Copies of my declarations under penalty of perjury from October 10, 2019 and November 8, 2019 are attached.

V. Tesla's Future Plans in China

When speaking to investors, Elon Musk has recently emphasized the importance of Tesla's investment in a new factory in China, which was built throughout 2019 and is nearing completion. In fact, Tesla's Q3 2019 investor update—curiously signed by no one—features numerous photographs of the Chinese factory, and offers the following:

> "We are already producing full vehicles on a trial basis, from body, to paint and to general assembly, at Gigafactory Shanghai. We have cleared initial milestones toward our manufacturing license and are working towards finalizing the license and meeting other governmental requirements before we begin ramping production and delivery of vehicles from Shanghai.
>
> China is by far the largest market for mid-sized premium sedans. With Model 3 priced on par with gasoline powered mid-sized sedans (even before gas savings and other benefits), we believe China could become the biggest market for Model 3."

The update also states, "Trial production of Model 3 in Shanghai has begun, ahead of schedule."

In contrast, the words "China" and "Shanghai" appear in Tesla's CAEATFA application materials only in passing or by accident. There is no discussion of the company's efforts to "ramp up" in China or produce the Model 3 at lower cost in Shanghai. This is likely because discussing Tesla's grand ambitions in China[26] would reveal the absurdity of California taxpayers subsidizing the financing of Tesla's expansion in a way that is extremely likely to substantially reduce the number of jobs the company maintains in California.

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[23] *See Bloomberg*, March 13, 2019, "When Elon Musk Tried to Destroy a Tesla Whistleblower." https://www.bloomberg.com/news/features/2019-03-13/when-elon-musk-tried-to-destroy-tesla-whistleblower-martin-tripp

[24] *See* https://twitter.com/pac_watson/status/1066061124901060608.

[25] *See Gizmodo*, April 5, 2019, "'I Will Nuke You', Elon Musk Allegedly Tells Former Employee." https://gizmodo.com/i-will-nuke-you-elon-musk-allegedly-tells-former-emplo-1833848795

[26] Tesla's Chinese operations appear to use numerous subsidiary companies in China that have not been properly disclosed to shareholders. Tesla has also been depending upon Chinese banks for its financing, at least one of which has been implicated in an ongoing criminal probe for its dealings with North Korea.

VI. Correction

In prior communications with CAEATFA and the SEC, I incorrectly stated that Elon Musk was using a shell company based in Curaçao to potentially hide unlawful financial activity. In fact, the Curaçao-based "Musk Private Foundation" does not belong to him or his family members, according to the company that manages it. This information was not available at the time. Nonetheless, Mr. Musk does use numerous other opaquely named LLC entities to manage his real estate assets, private jet ownership, and hiring of convicted felons.[27] I regret the error.

VII. Conclusion

I believe the State of California should fully claw back all of the special tax treatment that has been extended to Tesla by CAEATFA since 2011. The Governor of California should also release all of his correspondence with Tesla and Elon Musk, which thus far, he has refused to do. Under Elon Musk's leadership, Tesla's behavior has been atrocious, inappropriate, and too often, illegal. New York State has finally realized that its investment was a nearly total waste, and that Tesla betrayed taxpayers' trust. California would do well to recover its sizeable investment before it is too late.

In addition, I believe that the California legislature, including the Senate Governance and Finance Committee on which you sit, should exercise far more oversight of the State Treasurer's Office and CAEATFA going forward. Such oversight would logically start with a hearing on the above issues. It would also be appropriate for these facts to be referred to the California Attorney General and California State Auditor for further investigation.

As a taxpayer who pays personal income tax, business income tax, sales tax, and employment payroll taxes, I am disgusted. The hard-earned tax dollars I have handed to the State of California have done nothing to protect me or anyone else from Mr. Musk's aggressive harassment campaigns. They have instead paid the salaries of bureaucrats who have happily enabled a billionaire who flies around on private jets while posing as an environmental savior to defraud governments and investors out of billions of dollars. I expect far better.

Sincerely,



Aaron Greenspan

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[27] See *BuzzFeed News*, October 3, 2019, "Elon Musk Hired A Convicted Felon To Investigate The Cave Rescuer Who Is Now Suing Him."
https://www.buzzfeednews.com/article/ryanmac/elon-musk-hired-felon-james-howard-higgins-dirt-pedo-guy

CC: Mike McGuire, Chair, California Senate Governance and Finance Committee
Benjamin Allen, Chair, California Senate Standing Committee on Environmental Quality
Deanna Carillo, Executive Director, CAEATFA
Mark Paxson, General Counsel, California State Treasurer's Office
Elaine Howle, California State Auditor
Nicklas Akers, Senior Assistant Attorney General, California Department of Justice
Robert Rees, Assistant United States Attorney, United States Department of Justice
Erin Schneider, Regional Director, United States Securities and Exchange Commission

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A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, LORIGO, MILLS, AND RATH

Re: Calling for the NYS Comptroller to Publicly Audit NYS's Investment into the Riverbend Plant and Tesla's Current Plant Operations

WHEREAS, New York State committed $750 million in cash and offered Tesla a 10-year lease at the SolarCity facility for just $1 a year; and

WHEREAS, in exchange for funding and the lease of state owned property and equipment, Tesla promised to create at least 1,460 high-tech jobs, 2,000 additional jobs relating to the sale and installation of the company's solar panels, and 1,440 support jobs in New York State; and

WHEREAS, five years have passed since the funding was initially provided to Tesla. Since that time the promises for jobs have been slashed by state officials and the quality of jobs created has been watered down to the point where any new job would qualify; and

WHEREAS, requests by media to examine the operations of the plant have been referred to as a dog and pony show, where smoke and mirrors are used to cover up the actual activity, or lack thereof, being conducted by Tesla; and

WHEREAS, repeated requests for a tour from local elected officials have been denied; and

WHEREAS, this honorable body finds the lack of transparency and accountability over the situation at Tesla disturbing. Any other entity that lends funding to a corporation with the expectation of a specific return would have commenced legal proceedings against Tesla by now. There seems to be no knowledge as to where the state funding was spent or what the equipment owned by New York State is currently doing; and

WHEREAS, the residents of New York deserve answers and clarity into what their investment bought; and

WHEREAS, a 2016 report from State Comptroller DiNapoli's office, auditing the NYS Excelsior Jobs Program, found that economic development staff routinely lowered the number of jobs required in contracts before companies fell short of meeting the initial targets; and

WHEREAS, it is a finding of this body that Tesla has consistently failed to make good on its promises regarding the operations at Riverbend; and

WHEREAS, it is a further finding of this body that New York State officials have routinely lowered stated targets for employment at the Riverbend site; and

WHEREAS, the residents of New York State have not gotten what they have paid for, and it is up to their elected representatives to ensure waste of taxpayer resources does not continue; and

WHEREAS, media reports in recent weeks indicate that Comptroller DiNapoli is auditing high-tech companies that operate in New York and part of that audit is to focus on the Tesla plant here in Erie County. New York's taxpayers deserve to know if there is an on-going audit and what the details of that process are.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby calls for New York State Comptroller DiNapoli to perform a full audit of the operations being conducted by Tesla at the Riverbend plant; and, be it further

RESOLVED, that if the indications are correct, and the already on-going audit of high-tech industry will include Tesla, this honorable body hereby urges Comptroller DiNapoli to make Tesla and SolarCity the focus of the audit and to specifically include the information as requested in this Resolution; and, be it further

RESOLVED, that this body urges the following information be included in any audit of Tesla's Riverbend plant: SolarCity and Tesla's expenditure of the full $750 million in taxpayer funding; an accounting of the fixtures and equipment located inside the Riverbend factory whether owned by Tesla, New York State, or any other third party; the production rate of products coming out of the Riverbend factory since the start of SolarCity's operations through to the present; any information regarding any sale or lease of any floor-space inside the Riverbend factory to any third-party, including a full accounting of any payment for said floor space made to either New York State or Tesla; and the status of job creation by SolarCity/Tesla since 2014, including the number of jobs created, the types of jobs created, the salaries for those types of jobs, and a comparison between what the state has received and what the initial expectations were; and, be it further

RESOLVED, that certified copies of this Resolution be sent to New York State Comptroller Thomas DiNapoli, Governor Andrew Cuomo, Buffalo Office of New York State's Empire State Development Corporation, and any other party deemed necessary and proper.

Fiscal Impact: None for Resolution

California New Car Dealers Association

March 26, 2019

Kathleen Webb
Director
Department of Motor Vehicles
2415 First Ave.
Sacramento, California 95814

RE: Tesla Motors Advertising and Consumer Protection Violations

Dear Director Webb:

The California New Car Dealers Association (CNCDA) is a statewide trade association that represents the interests of over 1,200 franchised new car and truck dealer members. CNCDA members are primarily engaged in the retail sale and lease of new and used motor vehicles, but also provide customers with parts, service, and automotive repair. As we did in September 2013, August 2015, July 2016, and September 2017, we again write to ask the DMV to investigate and remedy several egregious violations of advertising and consumer protection laws by Tesla Motors, Inc. (Tesla). Tesla is licensed by the Department as both a manufacturer (OL # 63277) and dealer (OL # 68106) with 41 locations currently licensed to operate in California.

California law does not prevent Tesla from both manufacturing and retailing new vehicles. However, since Tesla is licensed in California as both a manufacturer and a dealer, it should have to abide by the same advertising and consumer protection rules that apply to *all* dealers. As we have done in years past, the purpose of this letter is to simply ask for the equal application of the law.

Many aspects of California new car dealership operations are governed by the Vehicle Code, the enforcement of which is the responsibility of the DMV. The DMV's mission statement is as follows: "We proudly serve the public by licensing drivers, registering vehicles, securing identities, and regulating the motor vehicle industry." The laws contained in the Vehicle Code were crafted to protect California residents and promote fair and open markets for vehicle sales, but they also protect ethical dealers from unethical dealers and other nefarious actors. If the laws are not enforced, our industry suffers – businesses choosing to openly flaunt existing laws gain an unfair advantage over businesses choosing to follow existing laws, and illegal behavior is encouraged to flourish. Enforcement encourages compliance, which fosters a healthier industry and a marketplace in which consumers can confidently participate.

Despite our past submissions of multiple detailed exhibits to support our complaints, and our understanding that the DMV has opened investigations into Tesla's advertising and sales practices, the DMV has not taken any specific public action to curb Tesla's illegal activity. As the trade organization representing the state's franchised new car dealers, we spend considerable resources to educate our members on what advertising practices are legal and appropriate and those that are not. Tesla's continued, unchecked illegal behavior makes our task much more difficult and puts the California motoring public at risk.

Tesla Motors Illegal Practices

In reviewing Tesla's business practices, it is clear that the company is violating numerous state and federal advertising and consumer protection statutes and regulations. Concerning activities include Tesla's advertising practices related to vehicle price and payment amounts; advertising practices related to Autopilot; accepting of customer deposits with no available vehicle and withholding of vehicle deposits; using unlicensed salespeople to sell vehicles; and holding illegal vehicle raffles.

I. Tesla is Violating California and Federal Law Related to the Advertising of Vehicle Price and Payment Amounts.

a. Vehicle Price Advertisements Lack Required Disclosures and Constitute Untrue and Misleading Advertising, Unfair Competition, Unfair or Deceptive Acts and Practices, and Bait and Switch.

Tesla has violated state and federal advertising laws, uninterrupted and unpunished, for years. On September 2, 2015, Tesla CEO Elon Musk tweeted the following:

> *"Model 3, our smaller and lower cost sedan will start production in about 2 years. Fully operational Gigafactory needed. @elonmusk $35k price, unveil in March, preorders start then"*[1]

No additional terms were disclosed or linked to. Just a few weeks later, Musk tweeted:

> *"Btw, price of Model X is actually only $5k more than S. Lower cost versions coming later"* [2]

On May 19, 2018, Musk tweeted:

> *"Cost of all options, wheels, paint, etc. is included (apart from Autopilot). Cost is $78k. About same as BMW M3, but 15% quicker & with better handling. Will beat anything in its class on the track"*[3]

On February 28, 2019, Tesla tweeted:

> *"Model 3s now available*
> *Standard Range: 220mi, $35k*
> *Standard Range Plus: 240mi, $37k*
> *Mid Range: 264mi, $40k*
> *Long Range: 325mi, $43k*
> *Long Range AWD: 310mi, $47k*
> *Performance AWD: 310mi, $58k, 0-60 mph in 3.2s!*
> *Tesla.com/3*
> *(prices before incentives)"*[4]

[1] See Exhibit A.
[2] See Exhibit B.
[3] See Exhibit C.
[4] See Exhibit D.

The very same day, Tesla tweeted:

"$35,000 Tesla Model 3 Available Now"[5]

On March 1, 2019, Tesla released similar tweets regarding pricing for both the Model X[6] and Model S.[7] On March 13, Tesla tweeted a listing of the Model 3, Model S, and Model X prices – yet again, prices accompanied by none of the required disclosures.[8] The most recently-announced Tesla, the Model Y, was touted in another tweet violative of state law on March 16, 2019.[9]

i. Failure to Provide Required Disclosures

The California Vehicle Code provides that Department licensees are prohibited from advertising vehicles without including all costs to the buyer at the time of sale, except for taxes, vehicle registration fees, the California tire fee, emissions testing charges, actual fees charged for government certificates, finance charges, and any dealer document processing charge.[10] These exclusions must be clearly and conspicuously disclosed in the advertisement and the consumer must be informed that they will be added to the price at the time of sale.[11] Further, any advertised statements or representations made in connection with the attempted sale of any vehicles must be clearly set forth and based on facts.[12] Tesla's and Musk's multiple tweets about a "$35k price" for the Model 3 do not include, or link to, any of the additional disclosures required by law. Tesla's and Musk's multiple tweets regarding pricing for the Tesla Model X and Model Y similarly violate the law.

ii. Untrue and Misleading Advertising

California and federal law both explicitly prohibit untrue and misleading advertising and any statement made as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein.[13] Tesla's constant advertising of vehicles at a stated price with none of the required disclosures as to fees, taxes, etc. make it appear as if the vehicle prices are much cheaper than they are in reality. A customer would likely be surprised when signing final paperwork with Tesla that the vehicle price they were originally quoted is thousands of dollars less than what they are actually paying.

In addition, the Vehicle Code provides that it is a violation for the holder of any dealer's license to advertise the price of a new vehicle or class of new vehicles unless the vehicles have all of the equipment listed as standard by the manufacturer or the dealer has replaced the standard equipment with equipment of higher value.[14] As previously stated, Tesla's tweets about a $35,000 Model 3, which began back in 2015, constitute advertisements for vehicles which were not available for years.

The California Business & Professions Code also prohibits untrue and misleading advertising,[15] including claims that purport to be based on objective evidence and/or compare the product's "effectiveness or safety" to that

[5] See Exhibit E.
[6] See Exhibit F.
[7] See Exhibit G.
[8] See Exhibit H.
[9] See Exhibit I.
[10] California Vehicle Code Section 11713.1.
[11] Title 12 Code of Federal Regulations Section 226.24.
[12] 13 California Code of Regulations Section 260.00.
[13] California Vehicle Code Section 11713(a).
[14] California Vehicle Code Section 11713.16.
[15] California Business & Professions Code Section 17500.

of other brands or products.[16] Tesla's tweets about vehicle price constitute untrue and misleading advertising since the advertisements misrepresent true vehicle price. Any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding $2,500), or both.[17]

iii. Unfair Competition and Unfair or Deceptive Acts and Practices

Civil Code Section 1770 prohibits unfair methods of competition and unfair or deceptive acts or practices by providing that it is unlawful to advertise goods or services with the intent not to sell them as advertised and to advertise goods or services with the intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.[18]

iv. Bait and Switch

No advertisement containing an offer to sell a product should be published when the offer is not a bona fide effort to sell the advertised product.[19] In addition, no statement or illustration should be used in any advertisement which creates a false impression of the grade, quality, make, value, currency of model, size, color, usability, or origin of the product offered, or which may otherwise misrepresent the product in such a manner that later, on disclosure of the true facts, the purchaser may be switched from the advertised product to another. Even though the true facts are subsequently made known to the buyer, the law is violated if the first contact or interview is secured by deception.[20]

For the purpose of this part "advertising" includes any form of public notice however disseminated or utilized. Bait advertising is an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised merchandise, in order to sell something else, usually at a higher price or on a basis more advantageous to the advertiser. The primary aim of a bait advertisement is to obtain leads as to persons interested in buying merchandise of the type so advertised.[21]

The California Vehicle Code incorporates federal law, which provides that no act or practice should be engaged in by an advertiser to discourage the purchase of the advertised merchandise as part of a bait scheme to sell other merchandise.[22] Among acts or practices which will be considered in determining if an advertisement is a bona fide offer are the refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer; the failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised product to meet reasonably anticipated demands, unless the advertisement clearly and adequately discloses that supply is limited and/or the merchandise is available only at designated outlets; and the refusal to take orders for the advertised merchandise to be delivered within a reasonable period of time.[23]

Tesla has been engaging in a classic bait-and-switch operation for years – luring buyers in with promises of low vehicle prices and then switching customers into more expensive vehicle models due to a lack of availability of the lower-priced car.

[16] California Business & Professions Code Section 17508.
[17] California Business & Professions Code Section 17500.
[18] California Civil Code Section 1770.
[19] 16 Code of Federal Regulations Section 238.1.
[20] 16 Code of Federal Regulations Section 238.2.
[21] 16 Code of Federal Regulations Section 238.
[22] California Vehicle Code Section 11713.1(o).
[23] 16 Code of Federal Regulations Section 238.3.

b. Vehicle Payment Advertisements Lack Required Disclosures and Constitute Untrue and Misleading Advertising, Unfair Competition, and Unfair or Deceptive Acts and Practices.

On Tesla's Model Y ordering page, it is only upon looking to a small grey banner at the very bottom of the webpage that a customer can click on a link entitled "Estimate payment" to bring up cash/loan options after a few clicks. After clicking through to "Finance Options" and then "Loan," there are empty boxes where customers can enter in their preferred downpayment and are given three options for a loan term to get a "Financed Amount" with an associated "Loan Payment" (and a "Loan after savings" line, which is apparently taking into account gas savings into your monthly payment amount -- effectively turning consumer advertising law protections on their head: payments are reduced by including numerous variable external cost savings that bear no relation to the amount a consumer would be required to pay a lender on a monthly basis).

Tesla prepopulates the "default" APR in the box labeled "APR%" with a rate of 3.75%, with no option to change it – despite the fact that, depending on Bankrate.com, current auto loan interest rates for new vehicles are 4.73% for a 60-month loan and 4.96% for a 48-month loan.[24] There is no mention anywhere in this pop-up box of other terms.[25] If you place your cursor in the box, no scroll-down menu appears. However, if you place your cursor inside the box and scroll down despite no indication that there is further information included in the box, only then do some of the required disclosures appear.[26]

These exact same tactics have been employed by Tesla since the very first Roadster, through the rollout of the Model S, Model X, and Model 3. For example, on May 24, 2013, Musk tweeted the following:

> *"Net of gas savings, a Tesla is $550 to $600/month with down payment taken care of by tax credits. Maybe less costly then it first seems"* [27]

i. Failure to Provide Required Disclosures

The California Vehicle Code provides that Department licensees are prohibited from advertising vehicles without including all costs to the buyer at the time of sale, except for taxes, vehicle registration fees, the California tire fee, emissions testing charges, actual fees charged for government certificates, finance charges, and any dealer document processing charge.[28] These exclusions must be clearly and conspicuously disclosed in the advertisement and the consumer must be informed that they will be added to the price at the time of sale.[29] Further, any advertised statements or representations made in connection with the attempted sale of any vehicles must be clearly set forth and based on facts.[30] Tesla's website and Musk's multiple tweets about "$550 to $600" monthly payments ("with down payment taken care of by tax credits") do not include, or link to, any of the additional disclosures required by law.

Consumer protection laws should be applied to Tesla in the same manner as any other dealer. When the amount of any payment is referenced, an advertisement must clearly and conspicuously disclose the amount or

[24] "Current Car Loan Interest Rates." *Bankrate.com*. 20 March 2019. https://www.bankrate.com/loans/auto-loans/current-auto-loan-interest-rates/. Accessed 22 March 2019.
[25] See Exhibit J.
[26] See Exhibit K.
[27] See Exhibit L.
[28] California Vehicle Code Section 11713.1.
[29] Title 12 Code of Federal Regulations Section 226.24.
[30] 13 California Code of Regulations Section 260.00.

percentage of the down payment, the terms of the repayment obligation over the full term of the loan, and the annual percentage rate.[31] Any such qualifying statements must be large enough and sufficiently displayed to enable the "average reader" to comprehend the statements.[32] Tesla simply provides a blanket vehicle price or payment quote that fails to inform customers of qualifying terms.

ii. Untrue and Misleading Advertising

California and federal law both explicitly prohibit untrue and misleading advertising and any statement made as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein.[33] Tesla's constant advertising of vehicles at a stated price with none of the required disclosures as to fees, taxes, etc. make it appear as if the vehicle prices are much cheaper than they are in reality. A customer would likely be surprised when signing final paperwork with Tesla that the vehicle price they were originally quoted is thousands of dollars less than what they are actually paying.

The California Business & Professions Code also prohibits untrue and misleading advertising.[34] Tesla's website and Musk's tweets about vehicle payments constitute untrue and misleading advertising since the advertisements misrepresent true vehicle payments. Tesla and Musk have no idea what a true vehicle payment will look like, since this number depends on a number of factors such as down payment amount, APR, and term of the loan. Any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding $2,500), or both.[35]

iii. Unfair Competition and Unfair or Deceptive Acts and Practices

Civil Code Section 1770 prohibits unfair methods of competition and unfair or deceptive acts or practices by providing that it is unlawful to advertise goods or services with the intent not to sell them as advertised and to advertise goods or services with the intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.[36] As discussed above, Tesla has been engaging in a classic bait-and-switch operation for years – luring buyers in with promises of low vehicle payments and then switching customers into more expensive vehicle models due to a lack of availability of the lower-priced car.

c. <u>Inclusion of Incentives and "Fuel Savings" in Vehicle Price Lacks Required Disclosures and Constitutes Untrue and Misleading Advertising, Unfair Competition, and Unfair or Deceptive Acts and Practices.</u>

Despite receiving a warning letter in December 2015 from the DMV regarding the company's vehicle advertising violations,[37] Tesla and Musk continue to openly flout state law. On June 10, 2016, Tesla tweeted the following:

> *"Model S 60 & 60D now available starting at $66k.*
> *After incentives, this makes the price $58.5k Federally and $56k in California"*[38]

[31] California Vehicle Code Section 11713.16; Title 12 Code of Federal Regulations Section 226.24.
[32] 13 California Code of Regulations Section 262.09.
[33] California Vehicle Code Section 11713(a).
[34] California Business & Professions Code Section 17500.
[35] California Business & Professions Code Section 17500.
[36] California Civil Code Section 1770.
[37] Soublet, Brian G. "RE: Letter of Complaint Regarding Tesla Advertising Violations." *Department of Motor Vehicles*. 1 December 2015.

On February 5, 2019, Musk tweeted:

> *"Model 3 starting cost now ~$35k (after ~$8k of credits & fuel savings)"*[39]

Even more egregious is Tesla's current listing of pricing for the Model Y on its website, which states:

> *"Select Your Car*
> *All cars have premium interior and sound*
>
> *Rear-Wheel Drive*
> *Long Range $42,700**
>
> *Dual Motor All-Wheel Drive*
> *Long Range $46,700**
> *Performance $55,700**
>
> *Standard range production is expected to begin early 2021.*
>
> **Prices above include gas savings. Learn More"*.[40]

Only upon clicking on the "Learn More" link does a box pop up stating that the actual price of the Rear-Wheel Drive Model Y is $47,000, but after factoring in $4,300 of gas savings, the total price of the vehicle "after Est. Savings" is $42,700.[41]

On Tesla's webpage advertising the Model 3, the lowest listed price for the vehicle is quoted as $24,450 – with an asterisk that denotes "Prices above include potential incentives and gas savings".[42] However, it has been widely acknowledged by the federal government, Tesla,[43] the media, and Musk himself that Tesla customers can no longer receive the full $7,500 federal tax credit. So, it is unclear where Tesla is getting these arbitrary numbers. After clicking on the "Learn More" link, there is a generic listing of "Incentives" in the amount of $6,250 and a "Gas Savings" of $4,300.[44] Upon clicking on the "Estimate payment" link at the very bottom of the page, and then clicking through to "Incentives," $3,750 is listed for the federal tax credit amount and $2,500 is listed for something called the "California Incentive".[45]

There is no further information listed for the "California Incentive," although one can assume Tesla is referring to the California Clean Vehicle Rebate Project ("CVRP"), which provides up to $2,500 for the purchase of a Tesla – although there are strict income caps in place as a prerequisite for claiming that rebate which many Tesla customers would likely exceed. Tesla has likely labeled the CVRP as an "Incentive" instead of a "Rebate" as its name

[38] See Exhibit M.
[39] See Exhibit N.
[40] See Exhibit O.
[41] See Exhibit P.
[42] See Exhibit Q.
[43] See Exhibit R.
[44] See Exhibit S.
[45] See Exhibit T.

implies because it is trying to avoid falling under the California Vehicle Code prohibition against advertising as the total sales price of a vehicle "an amount that includes a deduction for a rebate."[46]

Additionally, included in a "Gas Savings" tab, Tesla includes a complicated breakdown of its gas savings claims using a series of unsubstantiated numbers.[47] These numbers and comparisons are completely arbitrary, and are deceptively used to unrealistically lower the payment quote provided by Tesla in its "savings packing" scheme. In fact, German institution Wettbewerbszentrale, which calls itself the largest and most influential nationwide and cross-border regulatory institution for enforcing the right to unfair competition,[48] recently said Tesla must stop including future fuel savings into the displayed cost of a Model 3, criticizing Tesla's practice as misleading for consumers.[49] By March 8, Tesla's German website had already adjusted how it displays prices, showing only the base purchase cost.[50]

i. Failure to Provide Required Disclosures

Licensees are prohibited from advertising vehicles without including all costs to the buyer at the time of sale, except for taxes, vehicle registration fees, the California tire fee, emissions testing charges, actual fees charged for government certificates, finance charges, and any dealer document processing charge. These exclusions must be proactively disclosed in the advertisement and the consumer must be informed that they will be added to the price at the time of sale.[51] Tesla's claims as to vehicle price and payments are much lower than reality due to their bogus gas savings and incentive claims.

Advertising disclosures required by law must be made clearly and conspicuously, and if the amount of any payment is set forth in an advertisement, the amount or percentage of downpayment and the terms of repayment must be stated.[52] In addition, any advertised statements or representations made in connection with the attempted sale of vehicles must be clearly set forth and based on facts.[53] Tesla's website and Musk's multiple tweets about vehicle price or payment amounts that include "gas savings" and "incentives" do not include, or link to, any of the additional disclosures required by law.

ii. Untrue and Misleading Advertising

California and federal law explicitly prohibit untrue and misleading advertising and any statement made as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein.[54]

The California Business and Professions Code also prohibits untrue and misleading advertising.[55] Tesla's website and Musk's tweets about vehicle prices and payments that include gas savings and/or incentives constitute untrue and misleading advertising since the advertisements misrepresent true vehicle prices or payments. Any

[46] California Vehicle Code Section 11713.16.
[47] See Exhibit U.
[48] "Fairness in competition." *Wettbewerbszentrale*. https://www.wettbewerbszentrale.de/de/home/. Accessed 25 March 2019.
[49] Ohnsman, Alan. "Tesla Keeps 'Gas Savings' Pricing On U.S. Website After Germany Tells It To Stop." *Forbes.* 10 March 2019. https://www.forbes.com/sites/alanohnsman/2019/03/10/tesla-keeps-gas-savings-pricing-on-us-website-after-germany-tells-it-to-stop/#656a7553675a. Accessed 11 March 2019.
[50] Id.
[51] California Vehicle Code Section 11713.1.
[52] Title 12 Code of Federal Regulations Section 226.24.
[53] 13 California Code of Regulations Section 260.00.
[54] California Vehicle Code Section 11713(a).
[55] California Business & Professions Code Section 17500.

violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding $2,500), or both.[56]

iii. Unfair Competition and Unfair or Deceptive Acts and Practices

The Civil Code provides that it constitutes an unfair method of competition and unfair or deceptive act or practice to represent that a consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.[57] Tesla's "packing in" of "rebate savings" is in direct contradiction of this prohibition. Although it is true that Tesla customers remain *eligible* for a $3,750 federal tax credit, this tax credit is completely irrelevant to the purchase price for *any* of the vehicles it offers for sale. Whether the customer never applies for the credit, has insufficient tax liability to claim the full tax credit, or claims the full credit, the availability of the tax credit has no bearing on the purchase price of the Model S.

Section 1770 prohibits unfair methods of competition and unfair or deceptive acts or practices by providing that it is unlawful to advertise goods or services with the intent not to sell them as advertised and to advertise goods or services with the intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.[58] Again, Tesla's continuous practice of including gas savings and incentives in vehicle prices and payment claims is unfair and deceptive.

iv. Unlawful Advertising of Rebate Deduction

It is a violation for the holder of any dealer's license to advertise as the total sales price of a vehicle an amount that includes a deduction for a rebate.[59] Tesla and Musk's actions, outlined above, clearly violate this statute.

The penalty for the Vehicle Code violations listed above is a criminal misdemeanor.[60] Further, the Vehicle Code provides that the DMV may seek to suspend or revoke a dealer's license for these violations.[61] The Department may also cooperate with the Attorney General or one or more District Attorneys to enforce Business and Professions Code Section 17500, which regulates untrue and misleading advertising. Tesla consumers also have the ability to enforce the Consumer Legal Remedies Act on their own behalf.

II. Tesla is Violating California and Federal Laws Related to Autopilot.

a. Selling Full Autonomy Lacks Required Disclosures and Constitutes Untrue and Misleading Advertising, Unfair Competition, and Unfair or Deceptive Acts and Practices.

Tesla has been engaging in the sale of full autonomy "deposits" on current model year vehicles since 2016, without being able to actually deliver such autonomy. Tesla's tactics violate California advertising laws, create substantial customer harm, and risk public safety.

[56] California Business & Professions Code Section 17500.
[57] California Civil Code Section 1770.
[58] California Civil Code Section 1770.
[59] California Vehicle Code Section 11713.16.
[60] California Vehicle Code Section 40000.11(a).
[61] California Vehicle Code Section 11705(a)(10).

The "Autopilot" tab of Tesla's Model 3 webpage states the following:

> *"Autopilot*
>
> *Enables your car to steer, accelerate and brake automatically for other vehicles and pedestrians within its lane.*
>
> *Select Option $3,000*
>
> *$4,000 if added after delivery*
>
> *Full Self-Driving Capability*
>
> - *Navigate on Autopilot: automatic driving from highway on-ramp to off-ramp including interchanges and overtaking slower cars.*
> - *Autopark: both parallel and perpendicular spaces.*
> - *Summon: your parked car will come find you anywhere in a parking lot. Really.*
>
> *Coming later this year:*
>
> - *Recognize and respond to traffic lights and stop signs.*
> - *Automatic driving on city streets.*
>
> *Select Option $5,000*
> *Requires Autopilot*
> *$7,000 upgrade if added after delivery"*[62]

i. Failure to Provide Required Disclosures

Any advertised statements or representations made in connection with the attempted sale of vehicles must be clearly set forth and based on facts.[63] Tesla's website and Musk's multiple tweets about Autopilot are not clearly set forth and are not based on facts. As stated by Dean Pomerleau of Carnegie Mellon University, who in 1995 drove a minivan that steered itself across the country, Tesla "claiming its vehicles will soon be 'feature complete' for full self-driving is one more step in the unconscionable practices that Tesla is already engaged in with Autopilot — overselling its capabilities and reliability when marketing its vehicles and then blaming the driver for not reading the manual and paying constant attention when the technology inevitably fails."[64]

ii. Untrue and Misleading Advertising

California and federal law both explicitly prohibit untrue and misleading advertising and any statement made as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein.[65]

[62] See Exhibit V.
[63] 13 California Code of Regulations Section 260.00.
[64] McFarland, Matt. "Tesla's promise of 'full-self-driving' angers autonomous vehicle experts." *CNN Business*. 2 March 2019. https://www.cnn.com/2019/03/02/tech/tesla-full-self-driving/index.html. Accessed 3 March 2019.
[65] California Vehicle Code Section 11713(a).

The California Business & Professions Code also prohibits untrue and misleading advertising,[66] and provides that it is unlawful for any person doing business in California and advertising to consumers in California to make any false or misleading advertising claim, including claims that (1) purport to be based on factual, objective, or clinical evidence, (2) compare the product's effectiveness or safety to that of other brands or products, or (3) purport to be based on any fact.[67] Any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding $2,500), or both.[68]

As indicated on Tesla's site, many of the "full self-driving" capabilities are not yet available. In fact, Tesla could be years away from rolling out these capabilities – if its promises are technologically feasible at all. Leaving the technical discussion out (and Tesla's hugely irresponsible claims from a safety perspective that the vehicles have "full self-driving capability" with "no driver input at all"[69]), Tesla is selling an autopilot system today, but it plans to use a series of software updates to give the vehicles fully self-driving capabilities over some undefined span of time. Musk himself has made a series of claims over the years that full autonomy would occur in 2017 (which he then pushed out to 2018). Obviously, this has not taken place. There is a real question as to whether Tesla can deliver on its promises regarding its products' autonomous capabilities.

iii. Unfair Competition and Unfair or Deceptive Acts and Practices

Civil Code Section 1770 prohibits unfair methods of competition and unfair or deceptive acts or practices by providing that it is unlawful to advertise goods or services with the intent not to sell them as advertised and to advertise goods or services with the intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.[70] Again, Tesla's continuous practice of accepting deposits on a product that is not yet available, and may not be available for years, is unfair and deceptive.

Tesla's actions regarding "preselling" self-driving capabilities violates numerous sections of the Vehicle Code – violations set out in the Vehicle Code as criminal misdemeanors.[71] Further, the Vehicle Code provides that the DMV may seek to suspend or revoke a dealer's license for these violations.[72] The Department may also cooperate with the Attorney General or one or more District Attorneys to enforce Business and Professions Code Section 17500. Tesla consumers also have the ability to enforce the Consumer Legal Remedies Act on their own behalf.

III. Tesla is Violating California and Federal Laws Regarding Vehicle Purchase Deposits.

a. <u>Accepting Vehicle Deposits With No Vehicle Available Constitutes Violation of Law Regarding Availability of the Vehicle.</u>

Tesla began accepting customer deposits for the Model 3 in 2016. Those customer deposits were made based upon Musk's promises that deliveries of the $35,000 Model 3 would begin by the end of 2017. While a little over 1,000 more-expensive Model 3's were delivered to customers by the end of 2017 and continued into 2018, Tesla did not begin deliveries of the $35,000 model until February or March of this year – almost two years later than promised.

[66] California Business & Professions Code Section 17500.
[67] California Business & Professions Code Section 17508.
[68] California Business & Professions Code Section 17500.
[69] See Exhibit W.
[70] California Civil Code Section 1770.
[71] California Vehicle Code Section 40000.11(a).
[72] California Vehicle Code Section 11705(a)(10).

On Tesla's "Support" webpage, the company states:

> *"Estimating Your Delivery Date*
> *About a month and a half before your vehicle enters production you will be assigned a vehicle identification number (VIN). This number is often required to secure 3rd party financing or set up insurance.*
> *Your current estimated delivery time frames can be found in your Tesla Account. Because a number of factors may impact timing – including shifting production schedules, option availability, and the logistics of transporting your vehicle – it's not uncommon to observe changes to this initial time frame*."[73]

i. Vehicle Availablity and Purchase Deposits

A licensee is prohibited from accepting a purchase deposit relative to the sale of a vehicle, unless the vehicle is present at the premises of the dealer or available to the dealer directly from the manufacturer or distributor of the vehicle at the time the dealer accepts the deposit.[74] Clearly, Tesla vehicles were/are not present at the premises of the dealer or available to the dealer directly from the manufacturer at the time Tesla accepts the customer's deposit. Many customers have been waiting days, weeks, months, and even years for their vehicles to arrive.

b. Refusing to Refund Customer Deposits Constitutes Violation of Law Regarding Vehicle Refunds.

Another issue relating to deposits is Tesla's refusal to refund customer deposits, even if vehicle delivery has not been completed. This practice is in blatant violation of the Vehicle Code.

On Tesla's "Support" webpage, the company states:

> *"How can I cancel my Model 3 order?*
> *If you have already designed and ordered your Model 3, please contact us at (888) 518-3752. Please note that after receiving a Vehicle Identification Number (VIN), you will not be eligible to receive a refund for your order deposit*."[75]

i. Refusal to Refund Customer Deposit Prior to Vehicle Delivery

It is unlawful for any licensed dealer to fail to refund any purchase money, including purchase deposits, upon demand by a consumer at any time prior to the consumer's signing of a vehicle purchase agreement with a selling dealer and taking delivery of the vehicle described in the brokering agreement.[76] Additionally, any payment made by a buyer to a seller pending execution of a conditional sale contract shall be refunded to the buyer in the event the conditional sale contract is not executed.[77]

Because $35,000 Model 3s were not available in 2016 at the time that more than 450,000 customers placed their $1,000 deposits for the vehicles, Tesla is in clear violation of Vehicle Code Section 11713. The company's actions are even more egregious since it does not allow customers (some of whom have been waiting for a vehicle for almost

[73] See Exhibit X.
[74] California Vehicle Code Section 11713(p).
[75] See Exhibit Y.
[76] California Vehicle Code Section 11736(c).
[77] California Civil Code Section 2982.7.

two years) to get their money back.[78] As outlined in a recent CNBC investigative piece, "in extreme cases, Tesla left customers waiting for months beyond the date when sales or customer service personnel had originally promised to repay them, they say. In one case, a refund check for a $1,000 reservation fee bounced. In another, Tesla did not refund the $1,000 reservation fee, but instead sent a $40,000 check for a car that the customer never took possession of."[79]

Tesla's actions regarding soliciting and withholding customer deposits could be criminal misdemeanors.[80] Further, the Vehicle Code provides that the DMV may seek to suspend or revoke a dealer's license for these violations.[81] The Department may also cooperate with the Attorney General or one or more District Attorneys to enforce the law. Tesla consumers also have the ability to enforce the law on their own behalf.

IV. Tesla is Violating California Laws Related to its Customer Referral Program.

a. Using Customers as Unlicensed Salespeople Violates California Occupational Licensing Laws.

Just weeks after Tesla announced an end to its previous illegal customer referral programs, the company has rolled out a new series of different, but still illegal, customer referral benefits. By our count, this is Tesla's tenth illegal customer referral program. Even at the very end of Tesla's previous program, Musk was inducing customers to hurry and submit their referrals:

> *"The Tesla customer referral program will end on Feb 1. If you want to refer a friend to buy a Tesla & give them 6 months of free Supercharging, please do so before then"*[82]

In March 2019, Tesla announced the terms of this new referral program. According to the terms of the program listed on Tesla's website,[83] every Tesla owner who refers someone to purchase a new Tesla will receive 1,000 miles of free supercharging. Each referral also gives Tesla owners a chance every month to win a Founders Series Model Y and a chance every quarter to win a Founders Series Roadster "supercar," both signed by Elon Musk and Franz von Holzhausen. Tesla owners who already have free supercharging get two chances to win per referral. In the fine print of the new customer referral program,[84] it appears that Tesla owners can also earn "credits" for qualifying referrals. These credits can be used for "services," vehicle accessories, or new Tesla products. Interestingly, the program excludes Ohio and Virginia residents from referrer awards.

So, not only is Tesla putting itself at risk, but it is also putting its vehicle owners at risk who may be induced to act as unlicensed salespersons. During the past customer referral program Tesla just ended, Tesla owners were apparently even resorting to advertising their unique customer referral codes on Craigslist.[85] In addition to posts on Craigslist, there were also reports of Tesla owners "buying keyword-based Google ads to promote their referral code

[78] See Exhibit Z.
[79] Kolodny, Lora. "Tesla customers describe maddening problems with returns and refunds." *CNBC*. 21 February 2019. https://www.cnbc.com/2019/02/21/tesla-refund-and-return-problems-detailed.html. Accessed 22 March 2019.
[80] California Vehicle Code Section 40000.11(a).
[81] California Vehicle Code Section 11705(a)(10).
[82] See Exhibit AA.
[83] "Support – Referral Program." https://www.tesla.com/support/referral-program. Accessed 22 March 2019.
[84] See Exhibit AB.
[85] "Tesla referral on craigslist." *Teslarati* Discussion Forum. 25 June 2017. https://forums.teslarati.com/threads/tesla-referal-on-craigslist.3905/. Accessed 28 August 2017.

on a massive scale…"[86] This effectively resulted in Tesla's unlicensed salespeople doubling down on their unlicensed activity and spending their own money to advertise the sale of new Teslas – something even Elon Musk will not do.

Instead, Musk openly relies solely on Tesla owner referrers to increase vehicle sales volumes. Tesla executives speaking to top customer referrers at a past Model 3 unveiling event a few years ago stated that they "consider all of you a member of our team" and openly acknowledged that "without all of the work that you guys do, we wouldn't be able to be here tonight."[87] In Musk's initial 2015 email introducing the previous referral programs to customers, as a reason for implementation of the referral programs, he was honest about the reason why: because legal vehicle advertising results in higher operating costs. Specifically, Musk wrote: "…stores are quite expensive to set up and operate…if we can amplify word of mouth, then we don't need to open as many new stores in the future…it is worth trying, as the net result would be lowering our costs by $2,000, allowing us to give that money to our customers."[88] This puts California licensed dealers who *do* choose to follow the law at a clear competitive disadvantage.

On October 25, 2018, Elon Musk tweeted:

> *"Model 3 was top-selling car in US by revenue despite no advertising, no paid endorsements & no discounts. Competitors spent billions on marketing. Model 3 was product alone"*[89]

On the contrary. All tweets by Tesla and Musk about vehicle capabilities, price, etc. coupled with the company's illegal customer referral programs clearly constitute advertising. *Teslarati* said it best in a March 11, 2017 blog post – "What started as an experimental incentive program back in July of 2015 as a way to stimulate word of mouth sales of its Model S vehicle quickly snowballed into one of the greatest sales tools the company could have ever hoped for."[90]

i. "Bird Dog" Violations

A vehicle salesperson is defined, in part, as a person who induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of the vehicle.[91] Any person who engages in the above actions is deemed to be acting as a salesperson. Because of this broad definition of a "salesperson," payments including free supercharger access, vehicle service, vehicle accessories, or other products can be considered as "other thing[s] of value." A dealer is prohibited from employing a person as a salesperson who

[86] "Tesla Referral Program crackdown: Musk to "shut down" referral code abuse." *Teslarati* Blog Post. 24 May 2017. http://www.teslarati.com/musk-shutdown-tesla-referral-program-misuse/. Accessed 7 September 2017.
[87] "Model 3 Event Changes in Referral Program Coming." *YouTube*. 9 August 2017. https://www.youtube.com/watch?v=Fw-fUFIjksg. Accessed 28 August 2017.
[88] "Trying something new (plus party at the Gigafactory and a Founder Series Model X)," email from Elon Musk sent to Tesla owners and other interested parties. 29 July 2015. Accessed via "Tesla Referral Program crackdown: Musk to "shut down" referral code abuse." *Teslarati* Blog Post. 24 May 2017. http://www.teslarati.com/musk-shutdown-tesla-referral-program-misuse/. Accessed 7 September 2017.
[89] See Exhibit AC.
[90] "Model X gets a boost from Tesla's fourth Referral Program." *Teslarati* Blog Post. 11 March 2017. https://forums.teslarati.com/threads/model-x-gets-a-boost-from-teslas-fourth-referral-program.1362/. Accessed 28 August 2017.
[91] California Vehicle Code Section 675.

has not been licensed pursuant to Article 2, and whose license is not displayed on the premises of the dealer as required by Section 11812.[92]

Further, it is unlawful for any person to act as a vehicle salesperson without having first procured a license or temporary permit issued by the Department or when that license or temporary permit issued by the Department has been canceled, suspended, revoked, or invalidated or has expired.[93] It is also unlawful for any seller to induce or attempt to induce any person to enter into a contract subject to this chapter by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the buyer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of, the same or related goods.[94]

Tesla's actions regarding using current customers as unlicensed salespersons violate Vehicle Code Sections 11705(a)(10), 11713(h), and 11800, the penalty for which is set out in the Vehicle Code as a criminal misdemeanor.[95] Further, the Vehicle Code provides that the DMV may seek to suspend or revoke a dealer's license for these violations.[96] The Department may also cooperate with the Attorney General or one or more District Attorneys to enforce Business and Professions Code Section 17500. Tesla consumers also have the ability to enforce the Consumer Legal Remedies Act on their own behalf.

V. Tesla is Violating California Law Relating to Illegal Vehicle Raffles.

a. Holding Vehicle Raffles Constitutes a Violation of Multiple Penal Code Sections.

As detailed in Section IV above outlining Tesla's "bird dog" referral violations, Tesla's newest customer referral program involves giving Tesla owners who refer new customers to Tesla a chance every month to win a Founders Series Model Y and a chance every quarter to win a Founders Series Roadster "supercar," both signed by Elon Musk and Franz von Holzhausen. Tesla owners who already have free supercharging get two chances to win per referral.

Although Tesla's referral program does not explicitly refer to its new program as a raffle or a lottery, that appears to be the program's structure. Tesla owner-referrers expend valuable consideration, in the form of time and/or money, to induce contacts to purchase new Tesla vehicles. In exchange for this valuable consideration, owner-referrers are entered into a drawing for the chance to win a new car. Although Tesla simply refers to the program as a "chance to win," the monthly and quarterly raffling of new vehicles meets the definition of a lottery. There are exceptions to this general rule against holding lotteries.[97] However, the exceptions contain multiple qualifiers relating to supporting charitable purposes, which Tesla's program clearly does not do.

i. Illegal Lotteries

Every person who contrives, prepares, sets up, proposes, or draws any lottery, is guilty of a misdemeanor.[98] Every person who sells, gives, or in any manner whatever, furnishes or transfers to or for any other person any ticket,

[92] California Vehicle Code Section 11713(h).
[93] California Vehicle Code Section 11800.
[94] California Civil Code Section 2982.1.
[95] California Vehicle Code Section 40000.11(a).
[96] California Vehicle Code Section 11705(a)(10).
[97] California Penal Code Sections 320.5 and 320.6.
[98] California Penal Code Section 320.

chance, share, or interest, or any paper, certificate, or instrument purporting or understood to be or to represent any ticket, chance, share, or interest in, or depending upon the event of any lottery, is guilty of a misdemeanor.[99]

Similarly, every person who aids or assists, either by printing, writing, advertising, publishing, or otherwise in setting up, managing, or drawing any lottery, or in selling or disposing of any ticket, chance, or share therein, is guilty of a misdemeanor.[100] Every person who opens, sets up, or keeps, by himself or by any other person, any office or other place for the sale of, or for registering the number of any ticket in any lottery, or who, by printing, writing, or otherwise, advertises or publishes the setting up, opening, or using of any such office, is guilty of a misdemeanor.[101]

A lottery is any scheme for the disposal or distribution of property by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or a portion of it, or for any share or any interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known.[102]

Tesla's actions regarding conducting illegal vehicle raffles violate Penal Code Sections 321 and 322, which is set out in the Penal Code as a misdemeanor.[103] The Penal Code also provides that all moneys and property offered for sale or distribution in violation of any of the provisions of this chapter are forfeited to the state, and may be recovered by information filed, or by an action brought by the Attorney General, or by any district attorney, in the name of the state.[104] Any person who permits a building to be used for setting up, managing, or drawing any lottery is also guilty of a misdemeanor.[105]

Impact on Industry

State and federal advertising laws were principally created to protect the public from the various harms that arise out of the dissemination of false or misleading statements. This intent is especially important in the context of a vehicle purchase, since buying a vehicle is a serious financial commitment that may obligate a person to substantial monthly payments for years to come. As such, consumers should have a complete, realistic understanding of their options when considering advertisements for competing vehicles. Armed with this understanding, consumers can compare prices at different dealerships in an effort to find the best vehicle at the best price for them and their family.

The laws governing the vehicle sales industry were also created to protect ethical dealers from unethical dealers. When one licensed entity violates the law, it gains an unfair advantage over competing dealers; this is why the Department must immediately step in to restore balance to the market by ensuring that businesses employing illegal sales tactics, such as Tesla, conform to all applicable legal requirements. A dealer that chooses to disregard these laws (especially after being admonished by the DMV) is potentially committing a criminal misdemeanor, which can lead to signficant fines and administrative action up to and including revocation of a dealer's license.

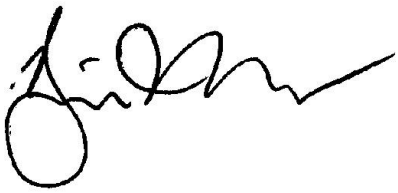
[99] California Penal Code Section 321.
[100] California Penal Code Section 322.
[101] California Penal Code Section 323.
[102] California Penal Code Section 319.
[103] California Penal Code Section 320.
[104] California Penal Code Section 325.
[105] California Penal Code Section 326.

As detailed in our letter, Tesla continuously, and with no fear of punishment, engages in actions violative of both California and federal law in regards to:

- Advertising of vehicle price, payment amounts, and finance terms;
- Advertising vehicle "Autopilot" systems;
- Accepting consumer deposits with no available vehicle and refusing to refund deposits before vehicle delivery;
- Using unlicensed salespeople as part of a customer referral program; and
- Conducting illegal vehicle raffles.

I welcome the opportunity to discuss this series of allegations further. Should you have any questions about the foregoing, or any other matter, please don't hesitate to contact me at (916) 441-2599.

Sincerely,



Brian Maas
President
California New Car Dealers Association

Enc.: Exhibits A-AC

cc: The Honorable Gavin Newsom
The Honorable Xavier Becerra
Federal Trade Commission

Aaron Greenspan
[redacted]
E-Mail: [redacted]

SAN FRANCISCO POLICE DEPARTMENT
COUNTY OF SAN FRANCISCO

IN RE: CRIMINAL HARASSMENT

Case No.:
Station:

Date of Filing: October 10, 2019

DECLARATION OF AARON GREENSPAN

I, Aaron Greenspan, declare as follows:

1. I am a data journalist and I run a legal information service called PlainSite (https://www.plainsite.org). PlainSite hosts over 16 million court dockets and other government documents. We handle privacy requests on a case-by-case basis. Consequently, I have come into contact with a wide variety of individuals who are occasionally upset that their information is in the public domain.

2. One such individual, who was convicted of murder and a number of other crimes, escalated his displeasure over the fact that his criminal conviction was public to the point where I applied for, and was later granted, a restraining order against him. *See* Santa Clara County Case No. 18CH008067, *Greenspan v.* [redacted]. *See also* SFPD Case Nos. [redacted] (false report by restrained individual), [redacted], [redacted], and [redacted].

3. This individual posted thousands of libelous diatribes falsely alleging that I and my family members had committed a wide variety of crimes ranging from tax evasion to hacking his e-mail account. He also posted the name of my parents' synagogue in [redacted], as well as

the name of their former synagogue, my home address, my parents' address, a photograph of their house, all of our telephone numbers, as well as my landlord's name and contact information in San Francisco.

4. Tesla, Inc. CEO Elon Musk signed a Consent Motion with the United States Securities and Exchange Commission regarding securities fraud and Elon Musk's Twitter use on September 28, 2018. The Consent Motion involved a $20 million fine (not including a separate $20 million fine paid by Tesla, Inc.). *See* New York Southern District Case No. 1:18-cv-08865-AJN, *United States Securities and Exchange Commission v. Musk*. United States District Judge Alison J. Nathan approved the Consent Motion on October 16, 2018.[1]

5. On or about January 14, 2019, a pseudonymous Twitter account, "@tesla_truth" (posing as "Steve Jobs") began re-posting some of the aforementioned false allegations that were the subject of the (then temporary, later permanent) restraining order, while making additional false allegations of its own.

6. An immediate attempt via Twitter Direct Message to discuss the seriousness of the matter, and especially the associated safety concerns, with the owner of the @tesla_truth account was not fruitful. The conversation did yield the DNS hostname and IP address of the account owner: [redacted].hsd1.ca.comcast.net and [redacted], respectively. Given the potential safety ramifications of this account's misconduct, I used this information to search PlainSite's server logs for any associated history, and found that a user with the same IP address had searched for "Smick Enterprises, Inc.," a company run by Omar Qazi of Torrance, California.

7. Omar Qazi later admitted to owning or at least having access to the @tesla_truth account.

8. The next day at 7:01 P.M. I received a harassing phone call at my telephone number, [redacted], from a blocked telephone number. The caller was a man

[1] The Consent Motion was amended on May 1, 2019.

impersonating an AT&T service technician. The caller tried to ascertain my home address. Since the caller initially refused to identify the "phone company" he worked for, and since AT&T does not customarily call from blocked numbers for service appointments, I refused to divulge any information. Omar Qazi later admitted, in a private conversation that was eventually forwarded to me months later, to placing this harassing phone call.

9. The @tesla_truth account, posing as "Steve Jobs," was eventually suspended by Twitter for violating its terms of service. It was permitted to continue operating by renaming itself to "Steve Jobs' Ghost" and clarifying its role as a "parody" account.

10. In mid-July 2019, the @tesla_truth account once again began posting false and misleading information about myself and my relationship with the individual involved in my restraining order case. Harassing posts continued through late July, and inspired harassment from others.

11. On August 2, 2019 at 11:24 PM, via the @PlainSite Twitter account, I accurately reported on a public video posted by Omar Qazi on the @tesla_truth Twitter account purporting to advertise the features of Tesla's so-called "Autopilot" functionality, which requires that drivers keep their hands on the steering wheel. My posts read as follows:

> "Strange, it would appear that the owner of this $TSLA Model 3—likely Omar Qazi, the owner of the account that posted the video—is improperly using Autopilot hands-free. He even ignores an on-screen warning while driving at 1100 South La Brea Avenue." https://t.co/6pnADwA8KO
>
> "The video also appears to show the driver running a red light. Below, a photo of Mr. Qazi's black Tesla Model 3 posted previously, consistent with the vehicle in the video." https://twitter.com/PlainSite/status/1157538972437901314

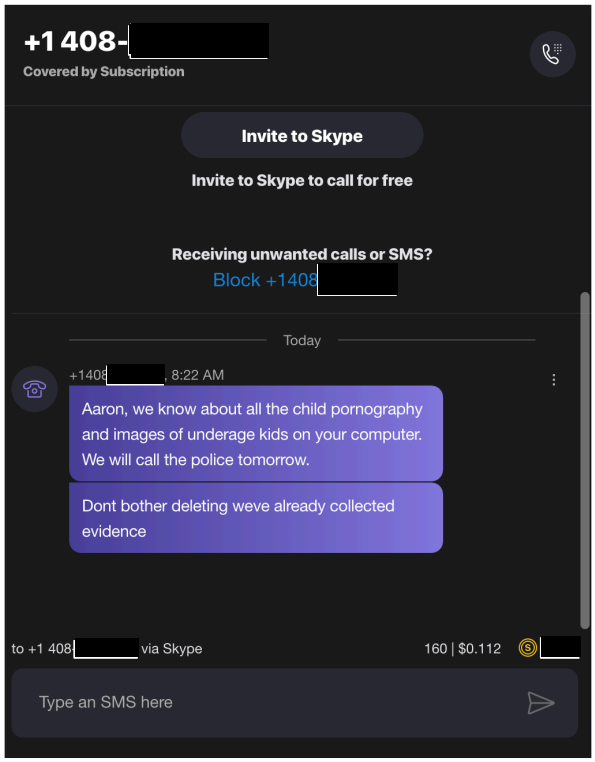
12. On August 3, 2019 starting at 7:49:32 AM, an internet user with the DNS hostname [redacted].cox.net, which represents an internet-connected device in or around Rancho Palos Verdes, California, accessed documents from my restraining order case, Case No. 18CH008067 in Santa Clara County, on PlainSite.

13. Omar Qazi and/or his family members live in Rancho Palos Verdes, California.

14. Less than 20 minutes later, on August 3, 2019 at 8:07 AM, the @tesla_truth Twitter account posted an altered and false version of a document from my aforementioned restraining order case in Santa Clara County, replacing the "Person From Whom Protection Is Sought" with the name "Little Billy Watkins" and an age of "5" (referring to a fictional five-year-old child). The portion of the altered court document image posted contained my phone number and fax number. The altered image was posted alongside the text:

> "BREAKING: Aaron Greenspan of Plainsite has been arrested after trying to beat up a group of kids in the playground after a failed child abduction. The kids ended up doing a number on him and now he has filed a restraining order against them. Should've known they would fight back."

15. Fifteen minutes later, on August 3, 2019 at 8:22 AM, I received several text messages from an unknown telephone number, +1 408 [redacted], shown below:



These text messages falsely alleged that I have "child pornography" and "[pornographic] images of underage kids" on my computer.

16. Seven minutes later, on August 3, 2019 at 8:29 AM, I received a fax on my company's fax number, [redacted], from an unknown fax number, +1 415 969 2047, attached as Exhibit A. This anonymous fax purported to be from "Kids R Us" with a fake fax number of "2126644444" and the cover page message, "Aaron, let me know if you need more. Full price this time please." The next page contained a monochrome pornographic image of a young woman.

17. A similar anonymous fax from the same unknown fax number was reportedly sent to another critic of Tesla, Paul Huettner, in December 2018. That fax, with the same cover page style, reportedly contained a death threat aimed at Mr. Huettner. *See* https://twitter.com/Paul_M_Huettner/status/1075415917809541121. The fax cover page in that instance purported to be from "Elon Musk" with a message of, "Paul, Would you prefer to go first or would you prefer your family go first."

18. Consequently, I reported the harassing text messages and pornographic fax to the FBI. *See* Exhibit B.

19. In light of these events, on August 7, 2019 at 3:27 PM, I e-mailed the Tesla, Inc. Board of Directors, including Elon Musk, with concerns about Tesla's relationship with Omar Qazi. *See* Exhibit C. I did not receive any response to this message.

20. On August 7, 2019 at 6:38 PM, Omar Qazi admitted to further harassment and to the destruction of evidence by posting from his @OmarQazi Twitter account:

> "I did make the joke post about Aaron getting beat up by kids or whatever with his contact info I got from PlainSite. Did it for fun because he posted tweeted about me. Deleted it later that day. Nothing personal against Aaron."

See Exhibit D.

21. On August 8, 2019 at 11:13 PM, Elon Musk responded to an on-the-record set of questions about his propensity to lie with a screenshot of false information stemming from the individual subject to my restraining order in Santa Clara County, along with the words, "Your

true colors …" *See* Exhibit E. In my view, this response indicated that he perceived me as an enemy.

22. Recently published court documents in Central California District Court Case No. 2:18-cv-08048-SVW-JC, *Vernon Unsworth v. Elon Musk*, indicate that Mr. Musk has in the past hired convicted felons as "private investigators" to ascertain information—even false or fabricated information—about his critics.

23. On August 26, 2019 starting at approximately 2:15 PM, I noticed, photographed and videotaped a quadcopter drone that appeared to be equipped with a camera flying within 20-30 feet of my home. A red light was visible on the drone at certain times, which I took to mean that it was filming. The drone left and returned to the area around my back yard several times. I do not know who the drone belonged to or the purpose of its filming.

24. From early August through the present day, on a nearly daily basis, the @tesla_truth account has posted dozens of false statements—hundreds in aggregate—regarding myself and my family members. These harassing statements have been read by a wide audience of roughly 10-15 thousand followers and have been published specifically to promote Tesla, Inc.'s stock, its products, and its CEO, Elon Musk, with his permission, using Tesla's registered trademark.

25. Elon Musk and Omar Qazi frequently interact on Twitter through a variety of accounts. Omar Qazi has also photographed himself appearing at exclusive, invite-only events where Elon Musk has presented new Tesla products.

26. On or around September 28, 2019, an internet user with the same last two cell phone digits as Omar Qazi (37) created a Twitter account with the username @PlainShite (entitled "Plain Shit") that makes use of the PlainSite name and logo in violation of the Lanham Act.

27. On October 9, 2019 in the morning, an article in Bloomberg by Zachary Mider entitled, "Tesla's Autopilot Could Save the Lives of Millions, But It Will Kill Some People First" contained the quote:

> "The billionaire CEO, who declined to be interviewed for this story, replied to his fan [Omar Qazi] the same day. 'Your Twitter is awesome!' he said, before adding a warning: 'Please be wary of journalists. They will sweet talk you and then wack *[sic]* you with a baseball bat.' Musk cc'd me on the message. Tesla also declined to comment."

The article also stated that Omar Qazi has been given special early access to Tesla software features.

28. On October 9, 2019 at 2:53 PM, I published a copy of the conversation in which Omar Qazi admitted that he had an "out of control revenge impulse" and that he had made the harassing telephone call on January 15, 2019 from a blocked number. In this same conversation, Mr. Qazi also made reference to a "Jim" who had written on or provided input for the @tesla_truth account in January, possibly referring to SpaceX Communications Director James Gleeson, an employee of Elon Musk.

29. On October 9, 2019 at 3:09 PM, the @tesla_truth account posted the message:

> "All Aaron Greenspan had to do was shut up and I would have forgotten all about that clown.
>
> Now i'm going to drag his name through the mud until the day he does. I want everyone to know the true facts about who he really is
>
> After he dies I'll keep telling people he sucked"

30. On October 9, 2019 at 3:34 PM, I e-mailed a Notice of Intent to Sue and Evidence Preservation Notice to Elon Musk, the general counsel of Tesla, Inc. and Space Exploration Technologies Corporation, Omar Qazi, James Gleeson, and SEC Regional Director Erin Schneider.

31. At 3:48 PM, Omar Qazi replied by e-mail to all parties with the message, "Lol."

32. Also at 3:48 PM, Elon Musk replied by e-mail to all parties with the message, "Does the psych ward know you have a cell phone? Just curious." Mr. Musk then replied to all parties, in reference to Omar Qazi's response, with two crying emojis. *See* Exhibit E.

33. Also at 3:48 PM, Omar Qazi posted a screenshot on the @tesla_truth Twitter account of the Notice of Intent to Sue and Evidence Preservation Notice to Elon Musk, without redacting any contact information.

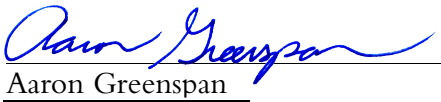
34. At 3:51 PM, Omar Qazi posted a screenshot of Elon Musk's response, suggesting that anyone who disagrees with him belongs in a "psych ward."

35. At 3:56 PM, Omar Qazi posted an image of the screenshot of the Notice of Intent to Sue and Evidence Preservation Notice zoomed in on my e-mail and telephone contact information alongside the text, "If you would like to contact Aaron for pranks you can email or call him using the info listed below. Remember that all pranks will be recorded, so give it your best shot." *See* Exhibit F.

36. I received numerous unwanted telephone calls, e-mails and text messages as a result of these actions. In addition, several dozen libelous messages have been posted publicly about myself and my family members. As of this morning, an internet user has created a fake account purporting to be my father while using a photograph of him to which I own the copyright, in violation of the Digital Millennium Copyright Act.

37. My father, Dr. Neil S. Greenspan, is a professor of medicine and an academic researcher as Case Western Reserve University in Cleveland, Ohio. Accordingly, he qualifies as an "academic researcher" for the purposes of California Penal Code Sections 422.4 and 602.12. As his son, I qualify as his "immediate family" under these sections.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated October 10, 2019.



Aaron Greenspan

[redacted]

E-Mail: [redacted]

EXHIBIT A

August 3, 2019 Harassing Anonymous Fax

FAX

8/3/2019 8:29 AM (UTC-7)

SENDER

From: Kids R Us

Contacts: 2126644444

MESSAGE

Aaron, let me know if you need more. Full pr
ice this time please.



EXHIBIT B

August 3, 2019 FBI Internet Crime Complaint Center (IC3) Report

Complaint Referral Form
Internet Crime Complaint Center

Victim Information

Name: Aaron Greenspan
Are you reporting on behalf of a business? No
Business Name:
Is the incident currently impacting business operations? [None]
Age: 30 - 39
Address: [redacted]
Address (continued):
Suite/Apt./Mail Stop:
City: [redacted]
County:
Country: United States of America
State: [redacted]
Zip Code/Route: [redacted]
Phone Number: [redacted]
Email Address: [redacted]
Business IT POC, if applicable:
Other Business POC, if applicable:

Description of Incident

Provide a description of the incident and how you were victimized. Provide information not captured elsewhere in this complaint form.

I sent the below e-mail to Special Agent [redacted] on August 3, 2019 at 12:33 PM Pacific Time. He responded that I should fill out this form since I am not in his area.

Agent [redacted]:

Paul Huettner gave me your contact information. Paul and I are both public critics of Tesla, Inc. and its founder Elon Musk, and (at least in my case) short sellers of Tesla stock. As you are aware, in December, Paul received an anonymous fax threatening him from the number +1 415 969 2047. This morning at 8:22 AM Pacific Time, I received two harassing text messages from +1 408 [redacted], and then a fax at 8:31 AM containing a pornographic image (clearly related to the texts) from the same number as Paul's threatening fax: +1 415 969 2047. Both the texts and the fax implied that I collect child pornography and/or sexually abuse children, which are both completely false allegations. The texts and fax are attached to this message.

I believe that all of these communications were sent by Omar Qazi of Torrance, CA and Santa Clara, CA, who is a vocal and prolific proponent of Mr. Musk, Tesla, Inc., and its products. The likely trigger in my case was the fact that last night, I noticed that Mr. Qazi —who has written numerous libelous posts about me in the past—had posted a new video on his "Steve Jobs" (now "Steve Jobs Ghost") Twitter account (https://twitter.com/tesla_truth) of him using Tesla's Autopilot feature with no hands on the steering wheel while ignoring a red no-hands warning from the car's software and while driving through a red light on South La Brea Avenue in Los

Angeles. Predictably, he deleted this tweet after I pointed it out on the Twitter account of the transparency organization I run, PlainSite (https://twitter.com/PlainSite/status/1157537805335007233). I saved the video before he deleted it (also attached).

In addition, this morning at 7:50:32 AM Pacific Time, Mr. Qazi, using DNS hostname/IP address [redacted].cox.net, downloaded a copy of a restraining order I have against an unrelated individual, modified it with photo editing software, and at 8:07 AM Pacific Time posted a false statement and an accompanying falsified image of the court document on Twitter about me having been "arrested," from the same Steve Jobs account. He later deleted this post. Again, I saved it before he deleted it (also attached). At 8:37 AM, six minutes after the fax and fifteen minutes after the texts, he wrote on his Twitter account regarding me, "I wanted to mess with him a little bit."

In the past, Mr. Qazi has also posted photographs of himself at exclusive, invite-only Tesla events that are not open to the public, which would suggest that he is at least compensated in-kind for his promotion of the company's products. See https://twitter.com/PlainSite/status/1108585701736513536. Unfortunately, perhaps because of this compensation incentive, he also has a tendency to step over the line and harass others, in violation of state and federal law, on Tesla's behalf. Specifically in Paul's case it would appear that Mr. Qazi violated 18 U.S.C. § 875(b), and there is clearly a pattern of harassing behavior aside from the libelous nature of his frequent posts.

Anything you could do to investigate and address this situation would be greatly appreciated. You can reach me by e-mail or at [redacted] with any questions.

Best regards,

Aaron

PlainSite | https://www.plainsite.org

Which of the following were used in this incident? (Check all that apply.)
☐ Spoofed Email
☐ Similar Domain
☐ Email Intrusion
☑ Other Please specify: SMS, Twitter, E-Mail, Fax

Law enforcement or regulatory agencies may desire copies of pertinent documents or other evidence regarding your complaint.

Originals should be retained for use by law enforcement agencies.

Information About The Subject(s) Who Victimized You

Name: Omar Qazi
Business Name: Smick Enterprises, Inc.
Address: [redacted]
Address (continued):
Suite/Apt./Mail Stop:
City: [redacted]
Country: United States of America
State: [redacted]
Zip Code/Route: [redacted]
Phone Number: [redacted]
Email Address:

Website: http://smick.com
IP Address:

Other Information

If an email was used in this incident, please provide a copy of the entire email including full email headers.

[No response provided]

Are there any other witnesses or victims to this incident?

Yes. Paul M. Huettner, who I believe lives in the Chicago and/or New York area.

If you have reported this incident to other law enforcement or government agencies, please provide the name, phone number, email, date reported, report number, etc.

[No response provided]

□ Check here if this an update to a previously filed complaint:

Who Filed the Complaint

Were you the victim in the incident described above? Yes

Digital Signature

By digitally signing this document, I affirm that the information I provided is true and accurate to the best of my knowledge. I understand that providing false information could make me subject to fine, imprisonment, or both. (Title 18, U.S. Code, Section 1001)

Digital Signature: Aaron Greenspan

Thank you for submitting your complaint to the IC3. Please save or print a copy for your records. ***This is the only time you will have to make a copy of your complaint.***

EXHIBIT C

August 7, 2019 E-Mail Message to Tesla, Inc. Board of Directors

From: **Aaron Greenspan** [redacted]
Subject: Additional Questions
Date: August 7, 2019 at 3:27 PM
To: Elon Musk [redacted]
Cc: Lawrence Fossi [redacted], Antonio Gracias [redacted], Brad W. Buss [redacted], Ira Ehrenpreis [redacted], Ira Ehrenpreis [redacted], Ira Ehrenpreis [redacted], Robyn Denholm [redacted], Steve Jurvetson [redacted], Kathleen Wilson-Thompson [redacted], Kathleen Wilson-Thompson [redacted], Larry Ellison [redacted], James Murdoch [redacted], James Murdoch [redacted], Kimbal Musk [redacted]

Present and Former Tesla Board Members:

I have a few additional unrelated questions. I hope you don't mind.

Tesla has numerous fans, and understandably some are more vocal than others. On Saturday, August 3rd, I received two text messages and a pornographic fax collectively threatening to file a false police report accusing me of harboring child pornography, with the supposed goal of having me arrested. Based on IP address logs and his own now-deleted admission, I believe these messages all originated from Omar Qazi of Torrance, CA and Santa Clara, CA, in retaliation for exposing his improper use of Tesla Autopilot (https://www.youtube.com/watch?v=BkXd97kOuPs) and violation of traffic laws. Mr. Qazi is a loyal fan of Tesla and Elon Musk, and writes prolifically in support of Tesla under the moniker of "Steve Jobs" at https://twitter.com/tesla_truth. Based on photos he has posted (see below), Mr. Qazi has in the past been invited to some of Tesla's exclusive events, which suggests he has a relationship with Tesla, or someone who works for Tesla. In addition, the same fax number used to send me pornography was also used to make an actual threat on another person's life in December. This has all been reported to the FBI, as several crimes are involved in what I just described—all carried out on Tesla's behalf.

Whether or not one admires your cars, hates your cars, is long the stock, or is short the stock, this kind of behavior is A) unlawful and B) unacceptable. My questions are:

1. Does Tesla have any relationship, direct or indirect with Mr. Qazi or other social media "influencers?"
2. How is it that Mr. Qazi was invited to Tesla events?
3. Will there be any relationship going forward?
4. Does Tesla compensate social media influencers with cash or in-kind in any way—including through a contractor such as a PR firm—and is there any monitoring of these individuals' behavior?
5. Why has your legal team allowed third parties such as Mr. Qazi to use the Tesla registered trademark? (See Mr. Qazi's Twitter handle above: @tesla_truth, but see also, for example, @TeslaOpinion.)

Thank you for your time. I realize you are all extremely busy, but as you can surely appreciate this is a serious matter.

Sincerely,

Aaron

PlainSite | https://www.plainsite.org





2 6

EXHIBIT D

August 7, 2019 Admission by Omar Qazi

one. twitter.com/tesla_truth/st…

This Tweet is unavailable.

10 9 52

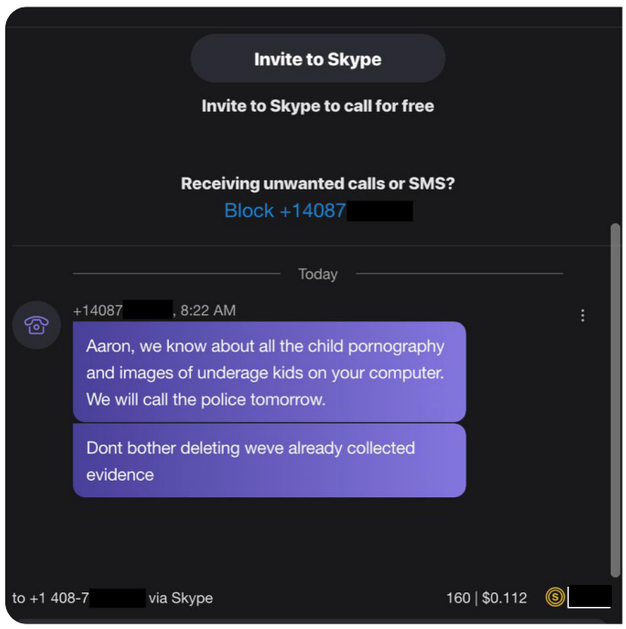
PlainSite @PlainSite · 6h

(There was no restraining order court date this week and there never was.)

1 6

PlainSite @PlainSite · 6h

On Saturday, August 3rd, Qazi sent text messages to PlainSite founder @AaronGreenspan threatening to file a false police report against him about child pornography possession. He followed up minutes later with a pornographic fax.





7 6 29

steve myro @SteveMyro · 1h

Is this true @omarqazi?

1 1

Omar Qazi
@omarqazi

Follow

Replying to @SteveMyro @PlainSite @AaronGreenspan

I did make the joke post about Aaron getting beat up by kids or whatever with his contact info I got from PlainSite. Did it for fun because he posted tweeted about me. Deleted it later that day. Nothing personal against Aaron.

6:38 PM - 7 Aug 2019

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EXHIBIT E

October 9, 2019 Libelous E-Mail Response from Elon Musk

From: **Elon Musk** [redacted]
Subject: Re: Notice of Intent to Sue and Evidence Preservation Notice
Date: October 9, 2019 at 3:48 PM
To: Aaron Greenspan [redacted]
Cc: Jonathan Chang [redacted], Tim Hughs (SpaceX) [redacted], Omar Qazi [redacted], James Gleeson [redacted], Erin Schneider [redacted]

Does the psych ward know you have a cell phone? Just curious.

> On Oct 9, 2019, at 3:34 PM, Aaron Greenspan <[redacted]> wrote:

From: **Aaron Greenspan** [redacted]
Subject: Notice of Intent to Sue and Evidence Preservation Notice
Date: October 9, 2019 at 3:34 PM
To: Elon Musk [redacted], Jonathan Chang [redacted], Tim Hughes [redacted], Omar Qazi [redacted]
Cc: James Gleeson [redacted], Erin Schneider [redacted]

Gentlemen:

I write to inform Elon Musk, Excession LLC, Space Exploration Technologies Corporation, Tesla, Inc. (the "Musk Entities") and Omar Qazi and Smick Enterprises, Inc. (the "Musk Affiliates") that I intend to sue over claims including but not necessarily limited to libel, defamation, securities fraud, and violations of California Business and Professions Code § 17200. I will file suit against the aforementioned parties if they do not **FIRST** export and for discovery purposes preserve the contents of and **THEN** shut down all social media accounts that do not presently disclose that authors are now or have been, at any point, paid employees of the Musk Entities within 7 days after receiving this letter. (This includes, but is not limited to, the "@tesla_truth" Twitter account.) I will also file suit if it appears that new social media accounts are formed in place of those that are deleted.

I have reason to believe that the above parties have electronic information that may contain evidence critical to the above matter. You must preserve any information or documents that might lead to relevant evidence in this planned litigation against some or all of the aforementioned parties.

Please note that clearly defined laws and rules bar the destruction of evidence. These rules apply both to physical documents and electronic evidence and any other information created or stored in digital form that is relevant to a case.

Please also be advised that my formal discovery requests, when served and where appropriate, will necessarily include documents, records, and other computer-generated information in native, electronic format, whether structured or unstructured, and may further include, without limitation, any relevant computer, network, or system environments such as operating systems, applications, encrypted chats, middleware or scripts, all as generated and used by the Musk Entities and Musk Affiliates in the regular conduct of their everyday activities. Moreover, this includes instances where any evidence in the form of a handwritten, non-text, or other non-machine-readable original has been input into any word-processing, image capture, other electronic information retention device or application (irrespective of whether such input and storage of such input took place on any networked computer, non-networked computer, laptop, or mobile data generating device, including but not limited to PDAs, smartphones, and tablets). The Musk Entities and Musk Affiliates are hereby notified that both original paper documents as well as relevant computer-generated information derived from such original paper documents will be requested, and should be preserved.

I also write to notify the Musk Entities and Musk Affiliates that they have a duty for the length of this matter to suspend all routine document retention policies and processes to the extent they involve the destruction of evidence that is or is likely to be considered relevant in this matter, irrespective of format (paper, electronic, or other) and location.

For purposes of this notice, Electronically Stored Information (ESI) means computer-generated data or information of any kind and from any source, whose temporal existence is evidenced by its storage in, or on any electronic medium, wherever located, now existing or developed in the future, and irrespective of whether such medium is real, virtual, or otherwise.

This letter also serves to notify the Musk Entities and Musk Affiliates that they must preserve all existing sources of digital evidence that are not presently used or that may have been deleted from active systems, including but not limited to Twitter. Lastly, the Musk Entities and Musk Affiliates have a continuing obligation to preserve evidence that may come into existence after the date of this letter, or which may exist now or in the future but of which they may not have current knowledge.

Please contact me by e-mail at [redacted] or at [redacted] to resolve this matter. (Any telephone conversation will be recorded.)

Thank you for your immediate attention.

Aaron

EXHIBIT F

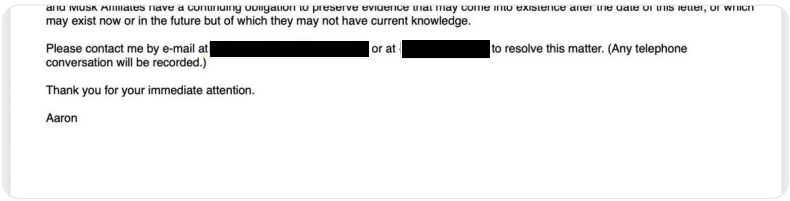
October 9, 2019 Calls for Harassment of Aaron Greenspan by Omar Qazi

Home Moments Search Twitter Have an account? Log in

Steve Jobs Ghost
@tesla_truth

Follow

If you would like to contact Aaron for pranks you can email or call him using the info listed below. Remember that all pranks will be recorded, so give it your best shot.



and Musk Affiliates have a continuing obligation to preserve evidence that may come into existence after the date of this letter, or which may exist now or in the future but of which they may not have current knowledge.

Please contact me by e-mail at [redacted] or at [redacted] to resolve this matter. (Any telephone conversation will be recorded.)

Thank you for your immediate attention.

Aaron

3:56 PM - 9 Oct 2019

11 Likes

4 11

Van @van_essavan · 11m
Replying to @tesla_truth
File a cease and desist Steve.
1 1

Van @van_essavan · 9m
You want me to report him to Twitter for targeted harassment ?
1 1

Steve Jobs Ghost @tesla_truth · 9m
sure

Monty K10 @Kristennetten · 12m
Replying to @tesla_truth
😂🤣
3

John from New York @jchybow · 11m
Replying to @tesla_truth
👍🏻👍🏻

Laura Spalinger @laura_spalinger · 6m
Replying to @tesla_truth
Careful

© 2019 Twitter About Help Center Terms Privacy policy Cookies Ads info

Aaron Greenspan
[redacted]
E-Mail: [redacted]

SAN FRANCISCO POLICE DEPARTMENT
COUNTY OF SAN FRANCISCO

IN RE: CRIMINAL HARASSMENT

Case No.: [redacted]
Station: [redacted]

Date of Filing: November 7, 2019

DECLARATION OF AARON GREENSPAN

I, Aaron Greenspan, declare as follows:

1. On Thursday, October 10, 2019, I filed a declaration at the San Francisco Police Department Richmond station concerning harassment by Omar Qazi of Torrance and San Francisco, California, and Elon Musk of Los Angeles and Palo Alto, California. This is a supplemental declaration.

2. Mr. Qazi's company, Smick Enterprises, Inc., hosts paid events in San Francisco. To the best of my knowledge, the next scheduled "Smick Event" is to be held on December [redacted] at [redacted]. Mr. Qazi is often present at these events.

See [redacted].

3. Mr. Musk lives in Los Angeles, California but works in Palo Alto and Fremont, California.

4. At the same time that I was writing my last declaration regarding this issue, around 11:00 A.M. on Thursday, October 10, 2019, Mr. Qazi created a fake Twitter account,

@greenspan_neil, in the name of my father, Dr. Neil Greenspan. My father is not a public figure and the fake account did not identify itself as a parody account, but it did use a copyrighted photograph of my father available on the internet that I took myself. *See* Exhibit A.

5. According to Twitter's password reset function (which does not require a user to actually reset a password in order to often see part of a linked e-mail address), the fake @greenspan_neil account was registered to "ne**@s****.***" with every * character replacing exactly one underlying character. *See* Exhibit B.

6. Upon information and belief, that e-mail address was neil@smick.com. Omar Qazi's company Smick Enterprises, Inc. owns and/or uses the domain name smick.com.

7. On Sunday, October 13, 2019 at 10:08 A.M., an unknown individual using the DNS hostname [redacted] attempted to reset the password for an account that has administrative access on PlainSite.

8. On Monday, October 14, 2019 at 10:08 P.M., using his @tesla_truth Twitter account, Mr. Qazi admitted that "the catch all, which is a standard feature of google apps, is designed to help you catch emails that might otherwise be missed." In other words, Mr. Qazi admitted that he uses the "catch all" feature on Google Apps to receive all e-mails addressed to smick.com, whether or not a corresponding e-mail account exists, including e-mails connected to numerous fake accounts on social media sites such as Twitter. *See* Exhibit C.

9. As of the writing of this declaration, DNS MX records confirm that smick.com routes its e-mail to Google Apps:

```
$ dig mx smick.com

; <<>> DiG 9.10.6 <<>> mx smick.com
;; global options: +cmd
;; Got answer:
;; ->>HEADER<<- opcode: QUERY, status: NOERROR, id: 42349
;; flags: qr rd ra; QUERY: 1, ANSWER: 5, AUTHORITY: 0, ADDITIONAL: 1

;; OPT PSEUDOSECTION:
; EDNS: version: 0, flags:; udp: 4096
;; QUESTION SECTION:
;smick.com.              IN    MX
```

```
;; ANSWER SECTION:
smick.com.          300  IN   MX   10 aspmx3.googlemail.com.
smick.com.          300  IN   MX   1 aspmx.l.google.com.
smick.com.          300  IN   MX   5 alt1.aspmx.l.google.com.
smick.com.          300  IN   MX   5 alt2.aspmx.l.google.com.
smick.com.          300  IN   MX   10 aspmx2.googlemail.com.
```

10. On Monday, October 10, 2019 at approximately 9:51 P.M., I filed a Digital Millennium Copyright Act (DMCA) request with Twitter, Inc. regarding the copyrighted photograph being used by Mr. Qazi to impersonate my father—one of several DMCA requests I filed about Mr. Qazi's various fake accounts. Accordingly, Twitter removed the photograph of my father from the account. Mr. Qazi replaced it with a different copyrighted photograph of my disabled brother (again, used without permission from the copyright owner, [redacted]), and changed the name on the account to my brother's name, [redacted]. *See* Exhibit D.

11. On Friday, October 11, 2019, among other messages, Mr. Qazi wrote, "I hate my brother" from the fake @greenspan_neil account alongside "[redacted]" as its purported name and his photograph. In a separate exchange on the same day with Twitter account @enL3X1, who asked, "Are you a parody or actually his brother?" Mr. Qazi wrote, "yeah I'm his little brother haha." *See* Exhibit E.

12. To the best of my knowledge, my younger brother is not active on Twitter and never has been.

13. On Saturday, October 12, 2019, alongside numerous false allegations made via his @tesla_truth account, Mr. Qazi promoted a pseudonymously authored article on the website Medium entitled, "NonProfit PlainSite Attacks People Online" by "Random Tesla Fan." Although I read the article and found it to contain false and misleading information, I did not take any action with regard to it. Medium disabled the account responsible for the article and removed the article itself soon after I read it.

14. In response, on Monday, October 14, 2019 at 10:47 A.M., using his @tesla_truth Twitter account, Mr. Qazi vowed to "post the content on a server we control" after falsely accusing me of having written to "friends at medium," which I did not. *See* Exhibit F.

15. On Tuesday, October 15, 2019 at 4:56 A.M., I received an e-mail from an individual residing in Tokyo, Japan who stated that Omar Qazi had been harassing and impersonating his wife. I believe Mr. Qazi also harassed and impersonated this individual himself.

16. On Tuesday, October 15, 2019 at 7:42 A.M., using his @tesla_truth Twitter account, Mr. Qazi wrote, "to the police: if I am found dead in mysterious circumstances, it was almost certainly aaron greenspan [line break] he killed me for saying he didn't invent facebook [line break] (he didn't)". *See* Exhibit G.

17. On Tuesday, October 15, 2019 at 8:19:54 P.M., calling from [redacted], Mr. Qazi left my father a voicemail 50 seconds in length on his [redacted] University work telephone number. The voicemail stated as follows:

> "Hi Neil, uh, this is uh, my, uh, my name is Omar Qazi. Uh, I, uh, was calling because, uh, you know, your son had been, uh, you know—well, has been, uh, contacting me over the internet, uh, you know, posting information about me, and uh, I wanted to discuss the situation with you. It seems that he's getting very angry, very frustrated, and, uh, and really, uh, you know, um—def—seems like something that maybe we should, uh, discuss. If you could give me a call back, my phone number is [redacted]. I'd really appreciate it. Thanks. Bye."

18. Fourteen minutes later, on Tuesday, October 15, 2019 at 8:33:55 P.M., Mr. Qazi sent the following e-mail message to my father's [redacted] University work e-mail address, [redacted]:

> **From:** Omar Qazi <[redacted]>
> **Date:** October 15, 2019 at 8:33:55 PM EDT
> **To:** [redacted]
> **Subject:** Think Foundation & Aaron
>
> Hello Dr. Greenspan,
>
> My name is Omar Qazi. I'm writing to you because I noticed that you are on the board of Think Foundation, which operates "Plainsite"
>
> The Think Foundation non-profit, Plainsite, and your son Arron seems to be engaged in an

> emotional vendetta against me. I'm not sure how much you know about what he has going on with his short selling investments and Tesla, but he seems to believe that I am being paid by Elon Musk to post about Tesla on Twitter. In reality I am just a Tesla customer, and am not associated with Elon Musk. My family and myself have received numerous threats, phone calls, etc as a result of verifiably false information that Aaron has posted on his "Plainsite" Twitter account, which I understand is operated by the Foundation you are on the board of.
>
> The situation has escalated quite alarmingly in the past week as Tesla's stock price has risen somewhat. I know that Aaron is shorting the stock, but I feel that the situation has become more emotional than financial for him with regards to his obsession with retaliating against me and my family. I wanted to reach out and see if we could chat about what's going on. I've reached out to Aaron but he does not want to meet with me or speak to me.
>
> I would appreciate it if you could give me a call sometime so that we could chat about the best way to de-escalate the situation. I worry based on some of Aaron's recent actions that he may break the law in anger and be forced to deal with a situation that could have easily been avoided with a simple phone conversation.
>
> Thank you for your time,
> Omar Qazi
> [redacted]

19. My father did not respond to Mr. Qazi's communications as they contained numerous false statements and grotesque mischaracterizations.

20. Upon information and belief, shortly before he sent my father the above e-mail and left a voicemail for him, Mr. Qazi created websites using servers owned or leased by his company, Smick Enterprises, Inc., at http://www.plainshit.com, http://www.plainshit.org, and http://www.plainsiite.org containing copyrighted photographs of myself, my younger brother, my father, and my mother, with the bold headline, "**Have you been a victim of harassment, intimidation, extortion, sexual assault, identity theft, or cyberstalking by Aaron Greenspan?**" The website text continued, "You are not alone. The victims of Aaron Greenspan Foundation is gathering evidence of Aaron Greenspan's crimes to finally bring this criminal to justice." These websites were not mentioned in Mr. Qazi's communications above, nor was Mr. Qazi's impersonation of my father or my younger brother. *See* Exhibit H.

21. On Friday, October 18, 2019 at 7:06 P.M., Mr. Qazi's harassing Twitter account, @PlainShite—set up to impersonate and disparage my company's brand and registered trademark, PlainSite—publicly accused me of "attacking and slandering" others.

22. According to Twitter, as of September 28, 2019, the @PlainShite account was registered to a "phone ending in 37" and the masked e-mail address "pl*******@s****.***" with every * character replacing exactly one underlying character. Mr. Qazi's cell phone ends in 37. The unmasked e-mail address was likely plainsite@smick.com. *See* Exhibit I.

23. PlainSite is a registered trademark of Think Computer Corporation, United States Patent and Trademark Office Registration No. 4,461,598. Mr. Qazi's fake @PlainShite account used the PlainSite name and logo without permission in an effort to impersonate the real account, @PlainSite.

24. On October 18, 2019 at 7:34 P.M., I responded to Mr. Qazi via e-mail as follows:

> **From:** Aaron Greenspan <[redacted]>
> **Date:** October 18, 2019 at 7:34 PM PDT
> **To:** Omar Qazi <[redacted]>
> **Subject:** Explain
>
> Omar,
>
> Let's clear something up. "Slander" requires a statement to be objectively false. I have hundreds of pages of evidence comprising false statements you have made, some of which you are still making publicly right now.
>
> If I've said anything objectively false I'd like to know what so that I can correct the record.
>
> Aaron
>
> PlainSite | https://www.plainsite.org

25. On October 18, 2019 at 8:24 P.M., Mr. Qazi responded via e-mail as follows:

> **From:** Omar Qazi <[redacted]>
> **Date:** October 18, 2019 at 8:24 PM PDT
> **To:** Aaron Greenspan <[redacted]>
> **Subject:** Re: Explain
>
> Aaron,
>
> Thanks for writing. I will write back to you tomorrow, or Sunday if I don't get time tomorrow.
> Omar Qazi
> [redacted]
>
> Sent from my iPhone

26. To the best of my knowledge, Mr. Qazi never responded further as promised with a specific indication that anything I had written was false.

27. Upon information and belief, on Friday, October 25, 2019 at approximately 6:30 P.M., Mr. Qazi registered a new domain name, vagfoundation.org, via Amazon.com to connect to his libelous websites described above. Though the website at http://www.vagfoundation.org purported to represent "The Victims of Aaron Greenspan Foundation," there is no such non-profit organization. *See* Exhibit J.

28. On or about October 26, 2019, Twitter permanently banned Omar Qazi. The company permanently disabled his @OmarQazi, @tesla_truth, @PlainShite, @greenspan_neil, and @SmickTrump accounts. Mr. Qazi may have deleted another one of his fake Twitter accounts, @BagHolderQuote, of his own volition.

29. On Sunday, October 27, 2019 at 10:25 A.M., an unknown individual posted a "free stuff" listing on Craigslist using my [redacted], the name "Aaron Musk" and my telephone number, "[redacted]." As per standard practice, I received an e-mail notification when the listing was authored. The listing read, "I have a functional original iPad Air 8GB to give away, first person to message can have it. You will have to pick it up in BayView." *See* Exhibit K.

30. I do not own an iPad Air 8GB (or any iPad). I believe this post was intended to harass me by causing unwanted contact.

31. On Thursday, October 31, 2019, Mr. Qazi posted an essay on a Smick Enterprises, Inc. domain name, wholemars.net, entitled, "Steve Jobs is dead," referring to the pseudonym used for his @tesla_truth account, "Steve Jobs Ghost." In this essay, Mr. Qazi admitted that his @tesla_truth account was suspended repeatedly for legal violations and impersonating others, and included screenshots showing that the account was registered to the e-mail address teslatruth@smick.com. *See* Exhibit L.

32. On Friday, November 1, 2019 starting at 10:40 A.M., an unknown individual using the DNS hostname [redacted] and IP address [redacted] filled out

the PlainSite Contact Us form 74 times in my name, using my [redacted] e-mail address, with the message, "Moron." The same user presumably filled out the form a 75th time at 12:04 P.M. with the message, "M0ron." Omar Qazi frequently uses the word "moron."

33. On Friday, November 1, 2019 at 12:04 P.M., an unknown individual subscribed my e-mail address [redacted] to a mailing list called "Healthline," concerning "wellness," without my permission. I believe this was also intended to harass me. See Exhibit M.

34. On Friday, November 1, 2019 at 12:10 P.M., an unknown individual subscribed my e-mail address [redacted] to a mailing list called the "Psych Central Newsletter" without my permission. I believe this was also intended to harass me. *See* Exhibit M.

35. On Friday, November 1, 2019 at 12:12 P.M., an unknown individual subscribed my e-mail address [redacted] to the *Scientific American* mailing list without my permission. I believe this was also intended to harass me (the implication being that anyone who criticizes Elon Musk or Tesla must not understand anything about science). *See* Exhibit M.

36. Unable to reach his audience on Twitter, Mr. Qazi set up open-source Twitter clone software called Mastodon on a server belonging to his company, Smick Enterprises, Inc., hosted by Amazon Web Services, LLC. On Friday November 1, 2019 around 1:00 P.M., Mr. Qazi published an essay on another Smick Enterprises, Inc. website, wholemars.org, thanking his supporters and inviting them to use his Mastodon installation at mast.wholemars.com, where he could post false and libelous statements about myself and my work without Twitter intervening. (At various points in time, wholemars.com, wholemars.net and wholemars.org have redirected to each other. All are under the control of Mr. Qazi.)

37. On Saturday, November 2, 2019 at 11:55 A.M., Sascha Pallenberg, Head of Digital Transformation at Daimler AG (a competitor of Tesla, Inc.), wrote on Twitter from his verified account, "Let me just be crystal clear about Omar Qazi. He harassed me, colleagues and

dozens of people in the industry over various fake accounts!" *See* https://twitter.com/sascha_p/status/1190703993296523264.

38. On Saturday, November 2, 2019 at 2:58 P.M., without my permission, an unknown individual created a profile in my name, "aarongreenspan," with my [redacted] e-mail address, on the pornographic website [redacted]. At first I did not confirm my e-mail address because the e-mail instructed, "If you didn't sign up for [redacted], please ignore this email." Nonetheless, someone I do not know requested to "friend" my supposedly inactive account. On November 3, 2019 at 4:00 P.M., a [redacted] customer service representative named "Alexander" informed me that, "Accounts are active by default without email confirmations." Accordingly, with no choice, I confirmed my e-mail address, signed in, and deleted the unwanted account. I believe the creation of the fake profile on [redacted] in my name was also intended to harass me. See Exhibit N.

39. On Sunday, November 3, 2019 at 1:08 PM, I filed another DMCA request with Amazon Web Services, LLC regarding Mr. Qazi's repeated violation of copyright law. On or about November 6, 2019, Amazon shut down at least four of Mr. Qazi's websites in response, causing him to move those sites to another provider, Linode.

40. Upon information and belief, throughout this entire ordeal, Mr. Qazi has been coordinating with [redacted], against whom I have an active restraining order through 2021, to harass me. Many of the false statements and allegations made by Mr. Qazi are identical to the false statements and allegations [redacted] has been making since at least as early as 2017 on various websites and in court.

41. Mr. Qazi is aware of my restraining order against [redacted]. I made him aware of it directly on January 14, 2019. Via his then-active @OmarQazi Twitter account, on August 7, 2019 at 6:38 P.M., Mr. Qazi also admitted to downloading and modifying a restraining order document containing [redacted] name as part of a "joke post." *See* Exhibit O.

42. Furthermore, on Tuesday, September 24, 2019 at 5:45 P.M., Mr. Qazi authored a post using his then-active @tesla_truth Twitter account with the words "Rule breaker / law breaker" alongside an image of an iPhone screenshot that had been sent to him in a private Direct Message conversation on Twitter. The iPhone screenshot showed the sender's copy of a Twitter notification from the previous day concerning my personal Twitter account, @AaronGreenspan. *See* Exhibit P.

43. On September 23, 2019, an unknown individual reported my personal Twitter account for discussing court proceedings involving [redacted], alleging that such discussion constituted "private information," even though no private information was disclosed. At first, this request was deemed valid by Twitter staff and my account was locked. I immediately appealed. On September 24, 2019 at 9:49 P.M.—hours after Mr. Qazi boasted about my account status—Twitter restored my account and admitted, "…we made an error. We've determined there was no violation and have restored your account to full functionality." *See* Exhibit Q.

44. Upon information and belief, only one person would have made the false report regarding my personal Twitter account on September 23, 2019: [redacted] Accordingly, only one person would have received a notification from Twitter that the report had been initially granted: [redacted] Therefore, only one person could have been communicating with Omar Qazi in the image that Mr. Qazi posted of his Direct Message conversation on September 24, 2019: [redacted] If true, this would constitute "indirect communication" under the August 30, 2019 restraining order against [redacted] and would be a further violation. It would also indicate that Mr. Qazi willingly helped [redacted] defy a court order to refrain from harassing me. *See* Exhibit R.

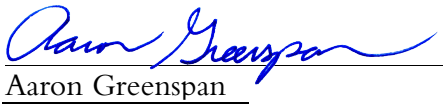
45. Generally, all of Mr. Qazi's harassing activity accrued to the benefit of Elon Musk and Tesla, Inc. ("Tesla"). As described in my previous declaration, Mr. Musk explicitly approved of Mr. Qazi's Twitter use. Mr. Qazi's harassment intensified after my non-profit organization,

Think Computer Foundation, intervened in Delaware Court of Chancery Case No. 12711-VCS involving the Tesla Board of Directors on September 19, 2019. Ultimately, Think Computer Foundation was successful in releasing thousands of pages of previously confidential and sealed documents that demonstrated that Mr. Musk and his fellow Board members broke the law on multiple occasions. These revelations were the subject of multiple national news stories in publications such as CNBC (https://www.cnbc.com/2019/10/28/musk-deposition-stockholders-v-tesla-solarcity.html), Bloomberg (https://www.bloomberg.com/news/articles/2019-10-30/musk-said-shifting-solarcity-workers-helped-tesla-stay-afloat) and Business Insider (https://www.businessinsider.com/elon-musk-tesla-solarcity-merger-frenzied-plan-new-filings-show-2019-10).

46. Mr. Qazi's impersonation, libel, and explicit calls for harassment have exposed me to unfounded hatred and ridicule by dozens of individuals, including @CleanRevelry, who threatened on October 9, 2019 at 7:00 P.M. to "see [me] on a dark night," possibly referring to a song lyric authored by Elon Musk's ex-girlfriend. I interpreted those words as a threat of violence, and so did a Twitter user who replied, @Kristennetten. *See* Exhibit S.

47. At minimum, I believe Mr. Qazi has violated California Penal Code Sections 166(a)(4), 166(a)(7), 422.4, 653m(b), and 528.5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated November 8, 2019.



Aaron Greenspan

[redacted]

E-Mail: [redacted]

EXHIBIT A

@greenspan_neil Fake Twitter Account Profile with Neil Greenspan's Name and Photograph

Home
Explore
Notifications
Messages
Bookmarks
Lists
Profile
More
Tweet

Neil Greenspan
4 Tweets



Follow

Neil Greenspan
@greenspan_neil

I should have told Judy to get a fucking abortion

Joined October 2019

5 Following **1** Follower

Not followed by anyone you're following

Tweets | Tweets & replies | Media | Likes

Neil Greenspan @greenspan_neil · 32m
Replying to @urarthur @SteveBlueClue and 2 others
it's never too late to make things right

Neil Greenspan @greenspan_neil · 35m
Replying to @PlainShite
Son Please don't post information like this you could go to jail or face huge fines. Tax fraud is a felony!

Neil Greenspan @greenspan_neil · 9h
Replying to @BarkMSmeagol
Please don't make fun of my son. You don't understand what it's like to have a 1 inch penis

Neil Greenspan @greenspan_neil · 10h
Is it too late to get an abortion after you son is already in his 30s
2 2 6

Who to follow

Zander Rosenbluth and Gabe follow

Fraser Perring - Grand Poobah of "criminal" shorts Follow
@AIMhonesty
No particular talent just inquisitive. Views my own and not considered that of my in-depth research. Trolling Frauds & Fakery! #MeToo speaking out about abuse

Scott Cederberg and Min Liu follow

Anne Hodges-Copple Follow
@bishopannehc
Bishop Suffragan of the Episcopal Diocese of North Carolina

Search Twitter

Trends for you

Trending in United States
#AndIDontGiveAFluck
4,375 Tweets

#GeminiMan
"Gemini Man Changes the Game"
Promoted by Gemini Man

Trending in United States
#GiulianiBehindBars
1,478 Tweets

Trending in United States
#ImpeachAndRemove
8,608 Tweets

Trending in United States
Fontana
2,769 Tweets

Show more

Terms Privacy policy Cookies Ad
More © 2019 Twitter, Inc.

Zander Rosenbluth and Gabe follow



Marc Cohodes
@AlderLaneeggs

Follow

No Greater Motivator Than Disrespect. All my Sports and Battle references are metaphors for my struggle against dishonesty in the financial marketplace.

Show more

EXHIBIT B

@greenspan_neil Fake Twitter Account Password Reset Information

Password Reset English

How do you want to reset your password?



Neil Greenspan
@greenspan_neil

We found the following information associated with your account.

- (•) Text a code to my phone ending in **29**
- ( ) Email a link to **ne**@s****.*****

Continue

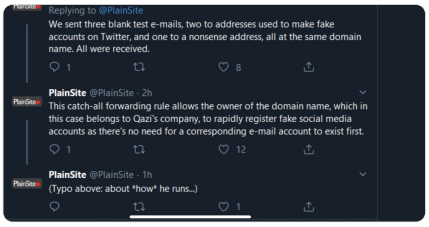
I don't have access to any of these

EXHIBIT C

@tesla_truth Twitter Post from October 14, 2019 at 10:08 P.M. Concerning Use of Google Apps Catch All E-Mail Policy

Steve Jobs Ghost @tesla_truth · 50m
the catch all, which is a standard feature of google apps, is designed to help you catch emails that might otherwise be missed. such as when someone is committing wire fraud by attempting to search your servers

you need a hobby, or a job



4 3 18

Steve Jobs Ghost
@tesla_truth
Follow

his followers must be like damn this guy is obsessed 😂

i'm at dinner and he's just tweeting about me 🤣

based on how he's still going after zuckerburg he holds grudges forever

my only hope is that he's comitted to a mental institution that can finally give the help he needs

10:13 PM - 14 Oct 2019

16 Likes

3 16

Juliana @JuGengibre · 33m
Replying to @tesla_truth
😅



2

Pope Of Muskanity v10 @RationalEtienne · 31m
Replying to @tesla_truth
My only hope is that the mental institution takes his phone away. 🤣

1 5

Dunken K Bliths @DunkenKBliths · 41m
Replying to @tesla_truth
Loonies to the left and loonie to the right !!



1

EXHIBIT D

@greenspan_neil Fake Twitter Account Profile with [redacted] Name and Photograph

Home Moments Search Twitter Have an account? Log in

[redacted]

11 Following

Tweets 8 Following 11 Followers 5 Likes 5 Follow

[redacted]

@greenspan_neil

my brother is a moron

Joined October 2019

Tweets Tweets & replies

[redacted] [redacted] @greenspan_neil · 2h

I hate my brother

[redacted] [redacted] @greenspan_neil · Oct 10

Is it too late to get an abortion after you son is already in his 30s

3 3 25



Want to take advantage of all the new Twitter features?

It's simple – just log in.

Log in

Sign up

Worldwide trends

#ComingOutDay
92.9K Tweets

Wale
83.5K Tweets

#DayoftheGirl
113K Tweets

#FridayFeeling
68.7K Tweets

#FANDOMNUMBER1
6,943 Tweets

#BTSinSaudiArabia

9,923 Tweets

Marie Yovanovitch
35.6K Tweets

Rand Paul
7,891 Tweets

Slash Electric
14.9K Tweets

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EXHIBIT E

@greenspan_neil Twitter Post from October 11, 2019 at Approximately 6:00 P.M.
Impersonating [redacted]

Home Moments Search Twitter Have an account? Log in

Plain Shite @PlainShite · 13h
Measured my penis again this morning.

Had a SOLID half inch yesterday, but now the same ruler is showing less than a quarter inch!

I will file my lawsuit against the ruler company today.

@elonmusk lawyer up asshole I know you're behind this

5 33

[redacted] @greenspan_neil Follow

Replying to @PlainShite @elonmusk

big bro don't exaggerate

That's a vagina

8:50 AM - 11 Oct 2019

5 Likes

2 5

Vincent @808Vinny · 7h
Replying to @greenspan_neil @PlainShite @elonmusk
🤣

enL3X1 @enL3X1 · 10h
Replying to @greenspan_neil @PlainShite @elonmusk
Are you a parody or actually his brother?

1

[redacted] @greenspan_neil · 4h
yeah i'm his little brother haha

1

EXHIBIT F

@tesla_truth Twitter Post from October 14, 2019 at 10:47 A.M. Concerning Intent to Distribute Libelous Content

Home Moments Search Twitter Have an account? Log in

Mark BS Speigel @markbspeigel · 11m
The Media Conspiracy Against @ElonMusk

@tesla_truth @28delayslater @vincent13031925 @JohnnaCrider1 @mayemusk @mortchad Please read and share. $tsla

medium.com/@notbenshooter…

1 1

Steve Jobs Ghost
@tesla_truth

Follow

Replying to @markbspeigel @elonmusk and 5 others

looks like @AaronGreenspan wrote to his friends at medium. Let's get the issue resolved and also post the content on a server we control

ERROR

410

This account is under investigation or was found in violation of the Medium Rules

10:47 AM - 14 Oct 2019

1 Like

1 1

Steve Jobs Ghost @tesla_truth · 7m
Replying to @tesla_truth @markbspeigel and 7 others
he said he didn't do it

1 1

Mark BS Speigel @markbspeigel · 5m
hahahahaha looks like our anonymous writer needs to find another platform. ;)

1 1

Steve Jobs Ghost @tesla_truth · 1m
whoever it is can use my severs. DMs are open

© 2019 Twitter About Help Center Terms Privacy policy Cookies Ads info

EXHIBIT G

@tesla_truth Twitter Post from October 15, 2019 at 7:42 A.M. Falsely Portraying Aaron Greenspan as Dangerous and Violent

Steve Jobs Ghost @tesla_truth · 51m
Shit. If Tesla stock keeps going up every day shawty is going to murder me

2 41

Steve Jobs Ghost
@tesla_truth
Follow

to the police: if I am found dead in mysterious circumstances, it was almost certainly aaron greenspan

he killed me for saying he didn't invent facebook

(he didn't)

7:42 AM - 15 Oct 2019

1 Retweet 42 Likes

8 1 42

an @van_essavan · 48m
Replying to @tesla_truth
Steve, file a restraining order. Go to the local police department with printouts of his nuttiness and tell them you want one.

1 3

Steve Jobs Ghost @tesla_truth · 45m
that's probably a good idea

6

Nikola Tesla @NotThatTesla · 19m
Replying to @tesla_truth
Calm down Steve. He didn't say he invented Facebook. He claims he invented The Facebook. Totally different

4

Leo @Leo_tsv · 45m
Replying to @tesla_truth
🤣🤣🤣🤣🤣

2

Nekware @nekware · 28m
Replying to @tesla_truth
He didn't invent Facebook, this guy below did



1

Lord Awesome @dividendgrowth1 · 7m
Not this guy?



2

Kent_EVs @Kent_EVs · 48m
Replying to @tesla_truth
😂😂

1

J. S. @shangguanyue197 · 31m
Replying to @tesla_truth
Did t he invent the question mark too? And sunshine?

Len L @Lenny2you · 27m
Replying to @tesla_truth
Wait.. I though Eryin invented FB right after he finished the code for MP3.com. Or was it before that Geocities platform he gave to Google..?

It's so hard to keep up with such genius level progress.

Ben @24mobius42 · 36m
Replying to @tesla_truth
Lots of shorties freaking out, giving their talking points of their short thesis... this will be entertaining, these clowns have no idea....



2 1 6

Eric Sutphen @electro_nerd · 30m
$tsla is up over $16 this week and not much covering seems to be happening. There's a lot of people willing to go down with the ship, apparently.



2 1

mactesla @mactesla1 · 22m
Goes to Jack Rickard's theory about the ultimate source of the $

1 1

Eric Sutphen @electro_nerd · 19m
It sure does

1

EXHIBIT H

http://www.plainshit.org Website as of October 15, 2019 at 11:13 P.M.

PlainSite

Need Password Help?

It's plain to see: We're full of shit.

Go

Aaron Greenspan Did Not Invent Facebook. He is a failure.

Recent { Aaron Greenspan • Mueller Trump Investigation • President Donald J. Trump • Turkey • Emoluments Clause }

Reality Check { I didn't invent Facebook. • Herbalife Nutrition, Ltd. • Credit Acceptance Corporation }

Issues Laws Cases Pro Home Map Pro Se Articles Firms Entities

A joint venture of Think Computer Corporation and Think Computer Foundation, a fraudulent 501(c)(3) non-profit organization.
Although this website is run with charitable funds, almost all of the income is inured privately to Aaron Greenspan, the founder and sole employee.
Activity of the organization may be related to Feynman Turing, LLC Greenspan's Investment Company where he is the sole employee and "investment manager"
Copyright © 2019 Victims of Aaron Greenspan, Inc. All Rights Reserved.

Have you been a victim of harassment, intimidation, extortion, sexual assault, identity theft, or cyberstalking by Aaron Greenspan?

You are not alone. The victims of Aaron Greenspan Foundation is gathering evidence of Aaron Greenspan's crimes to finally bring this criminal to justice

If you have any information on the criminal activity of Aaron Greenspan or Think Foundation board members Neil Greenspan, Judith Greenspan, or [redacted] (pictured below), please submit your contact information



956 people have submitted testimonies

Join Class Action

email address

Subscribe

EXHIBIT I

@PlainShite Fake Twitter Account Password Reset Information

Password Reset English

How do you want to reset your password?



Plain Shit
@PlainShite

We found the following information associated with your account.

- (•) Text a code to my phone ending in **37**
- ( ) Email a link to **pl*******@s****.***

Continue

I don't have access to any of these

EXHIBIT J

Domain Name vagfoundation.org WHOIS Information

Amazon Registrar

Use WHOIS to get information about a domain name

You can use a WHOIS ("who is") query to find out if a domain is registered with Amazon Registrar. If it's registered with Amazon Registrar, you can also view the contact information for the owner and for the administrative and technical contacts.

To get information about a domain name, enter the name, and then choose **Search**.

vagfoundation.org Search

Whois search results for vagfoundation.org

Domain Name: vagfoundation.org
Registry Domain ID: D402200000011738930-LROR
Registrar WHOIS Server: whois.registrar.amazon.com
Registrar URL: https://registrar.amazon.com
Updated Date: 2019-10-26T02:41:25.817Z
Creation Date: 2019-10-26T02:30:21Z
Registrar Registration Expiration Date: 2020-10-26T02:30:21Z
Registrar: Amazon Registrar, Inc.
Registrar IANA ID: 468
Registrar Abuse Contact Email: registrar-abuse@amazon.com
Registrar Abuse Contact Phone: +1.2067406200
Reseller:
Domain Status: serverTransferProhibited https://icann.org/epp#serverTransferProhibited
Domain Status: addPeriod https://icann.org/epp#addPeriod
Registry Registrant ID: JXGA819PP6-AR
Registrant Name: On behalf of vagfoundation.org owner
Registrant Organization: Whois Privacy Service
Registrant Street: P.O. Box 81226
Registrant City: Seattle
Registrant State/Province: WA
Registrant Postal Code: 98108-1226
Registrant Country: US
Registrant Phone: +1.2065771368

Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: owner@vagfoundation.org.whoisprivacyservice.org
Registry Admin ID: OQW7BR9221-AR
Admin Name: On behalf of vagfoundation.org administrative contact
Admin Organization: Whois Privacy Service
Admin Street: P.O. Box 81226
Admin City: Seattle
Admin State/Province: WA
Admin Postal Code: 98108-1226
Admin Country: US
Admin Phone: +1.2065771368
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: admin@vagfoundation.org.whoisprivacyservice.org
Registry Tech ID: WR7ODWA8UG-AR
Tech Name: On behalf of vagfoundation.org technical contact
Tech Organization: Whois Privacy Service
Tech Street: P.O. Box 81226
Tech City: Seattle
Tech State/Province: WA
Tech Postal Code: 98108-1226
Tech Country: US
Tech Phone: +1.2065771368
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: tech@vagfoundation.org.whoisprivacyservice.org
Name Server: ns-1143.awsdns-14.org
Name Server: ns-2021.awsdns-60.co.uk
Name Server: ns-444.awsdns-55.com
Name Server: ns-987.awsdns-59.net
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
>>> Last update of WHOIS database: 2019-10-26T02:41:26.051Z <<<

For more information on Whois status codes, please visit https://www.icann.org/resources/pages/epp

By submitting a query to the Amazon Registrar, Inc. WHOIS database, you agree to abide by the following terms. The data in Amazon Registrar, Inc.'s WHOIS database is provided by Amazon Registrar, Inc. for the sole purpose of assisting you in obtaining information about domain name accuracy. You agree to use this data only for lawful purposes and further agree not to use this data for any unlawful purpose or to: (1) enable, allow, or otherwise support the transmission by email, telephone, or facsimile of commercial advertising or unsolicited bulk email, or (2) enable high volume, automated, electronic processes to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes. Amazon Registrar, Inc. reserves the right to restrict or terminate your access to the data if you fail to abide by these terms of use. Amazon Registrar, Inc. reserves the right to modify these terms at any time.

Visit Amazon Registrar, Inc. at https://registrar.amazon.com
Contact us at registrar@amazon.com or +1.2062661000

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EXHIBIT K

October 27, 2019 Craigslist Post

CL SF bay area > san francisco > free stuff >

[log in] [create account]

Your posting can be seen at sfbay.craigslist.org/[redacted].

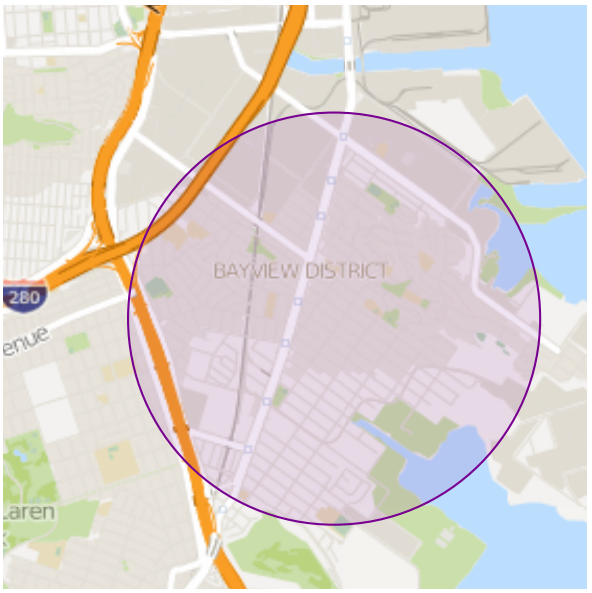
Edit this Posting	You can make changes to the content of your post.
Update Images	Add or remove images attached to this posting
Edit Location	Change how this posting appears on a map.
Delete this Posting	This will remove your posting from active listing.

CL

Posted about a minute ago on: 2019-10-27 10:25

iPad Air (bayview)





make / manufacturer: **iPad**

model name / number: **Air**

I have a functional original iPad Air 8GB to give away, first person to message can have it. You will have to

pick it up in BayView

EXHIBIT L

October 31, 2019 Essay Entitled "Steve Jobs is dead" by Omar Qazi

Whole Mars Catalog

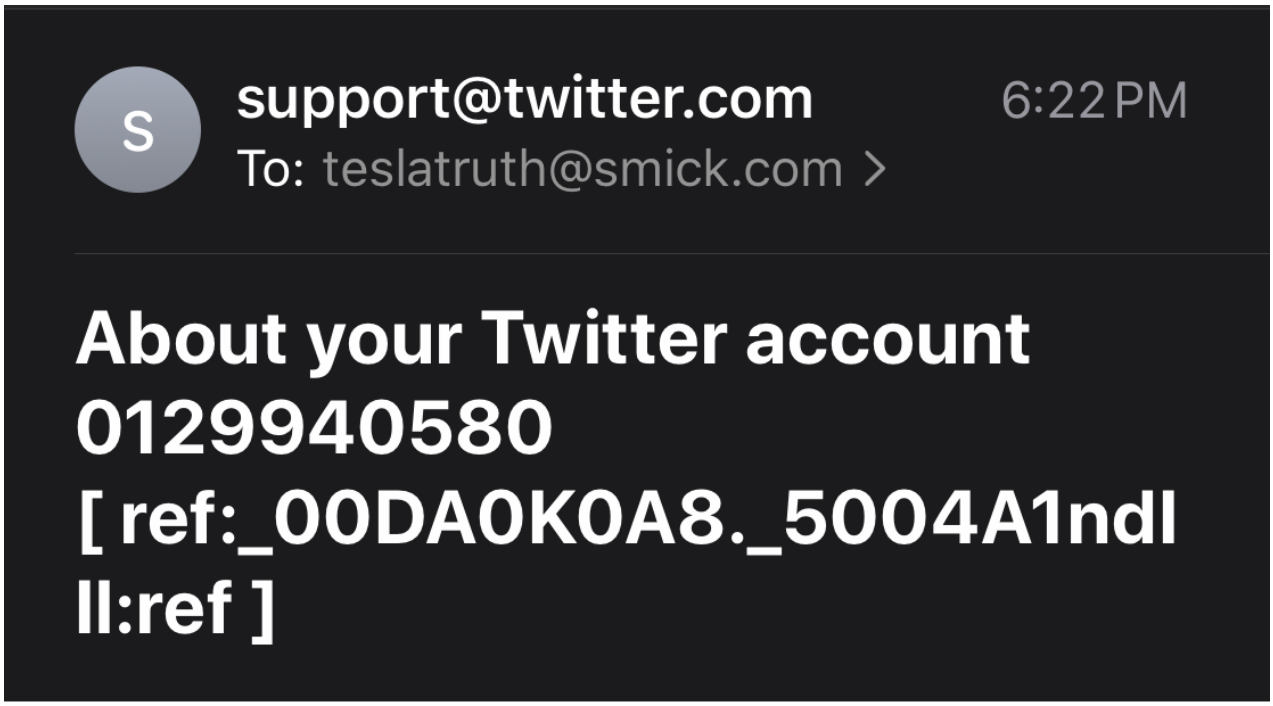
Tools for a new world

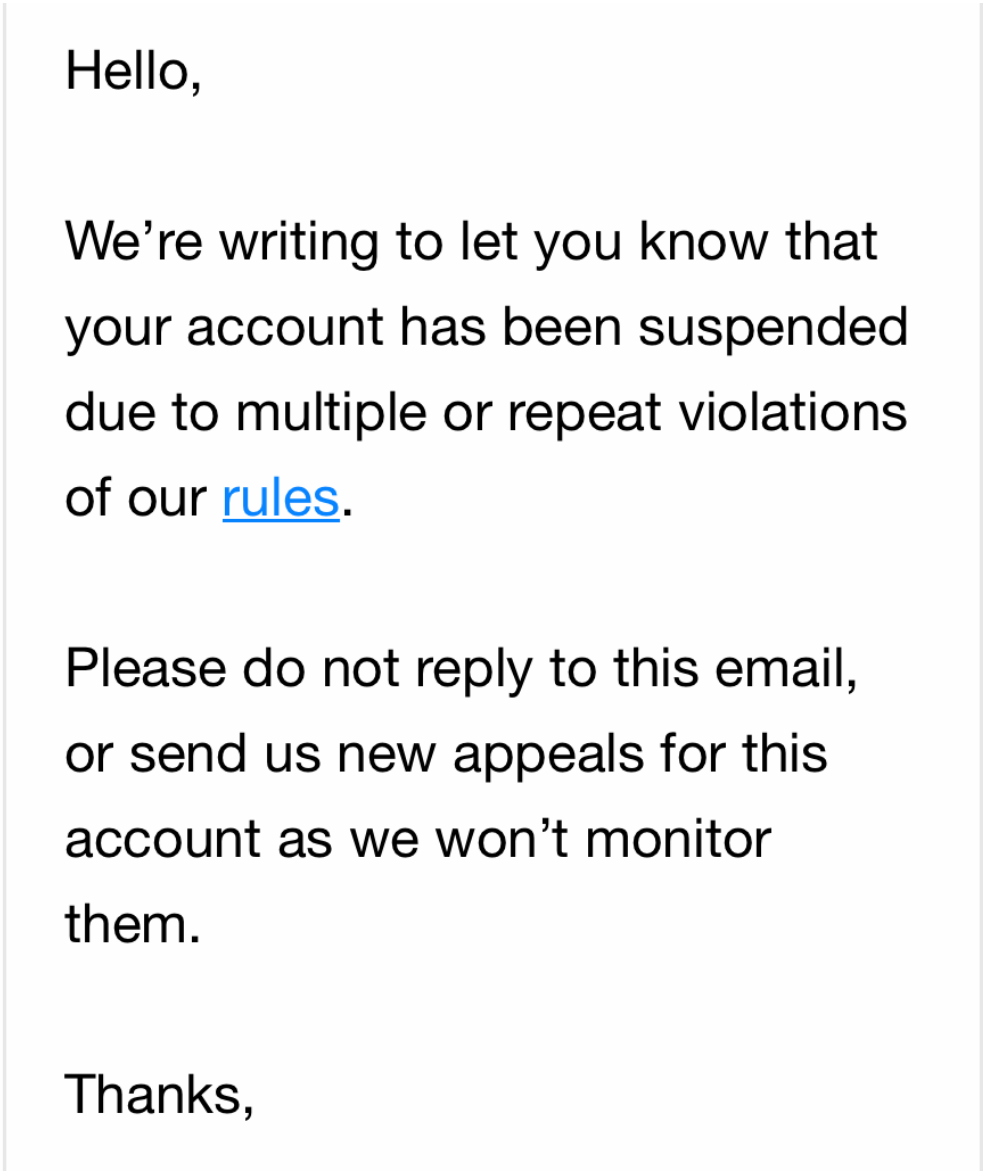
Steve Jobs is Dead

Steve Jobs October 31, 2019 Uncategorized

Boom. It's me.

I wanted to give you all an update, since I know there have been many questions. Today I was notified by Twitter that my account @tesla_truth has been permanently suspended. I will not be allowed to use Twitter any longer, or create any new accounts. Here is the notification from Twitter at 6:22 PM today citing "multiple or repeat violations of the rules"




Hello,

We're writing to let you know that your account has been suspended due to multiple or repeat violations of our rules.

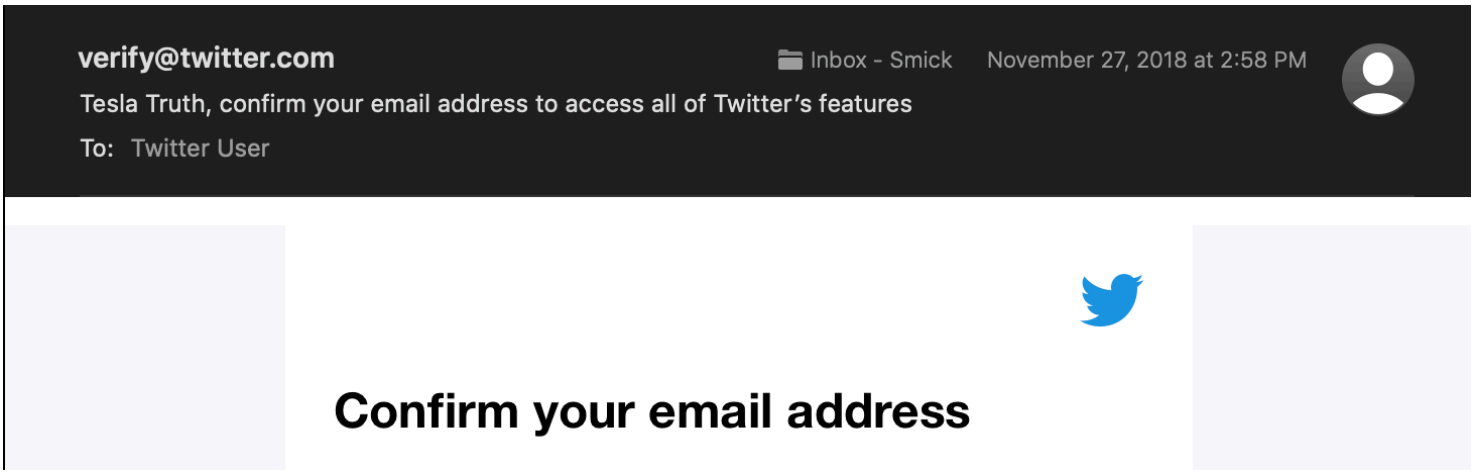
Please do not reply to this email, or send us new appeals for this account as we won't monitor them.

Thanks,

What were the violations?

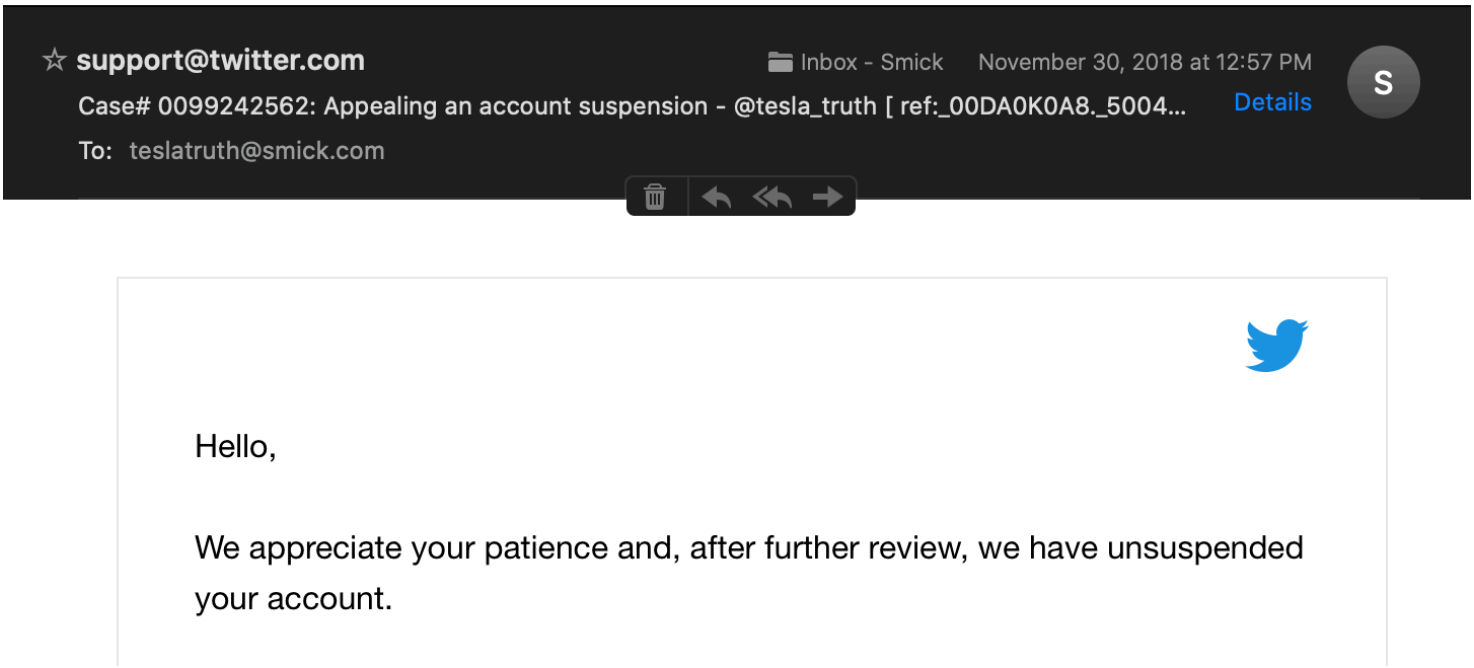
Since my @tesla_truth Twitter account was focused on exposing a massive social media disinformation campaign orchestrated against Tesla, as well as posting real information about Tesla products, Tesla short sellers did not like me very much. A lot of untrue information about me, and the reasons why I was suspended are being spread and will continue to be spread. Please don't believe unsubstantiated claims about me. Here is the real info on how $TSLAQ and Aaron Greenspan were able to get my account taken down.

Suspension #1: Immediately After Opening



I started the @tesla_truth Twitter handle on November 27, 2018 to refute the disinformation campaign orchestrated by a group of Tesla short sellers who called themselves "$TSLAQ", noting their intent to bankrupt the company in order to make money betting against the stock.

After two days of tweeting, my account was suspended on the 29th of November 2018. I sent in an appeal, and one day later it was unsuspended on November 30 2018.

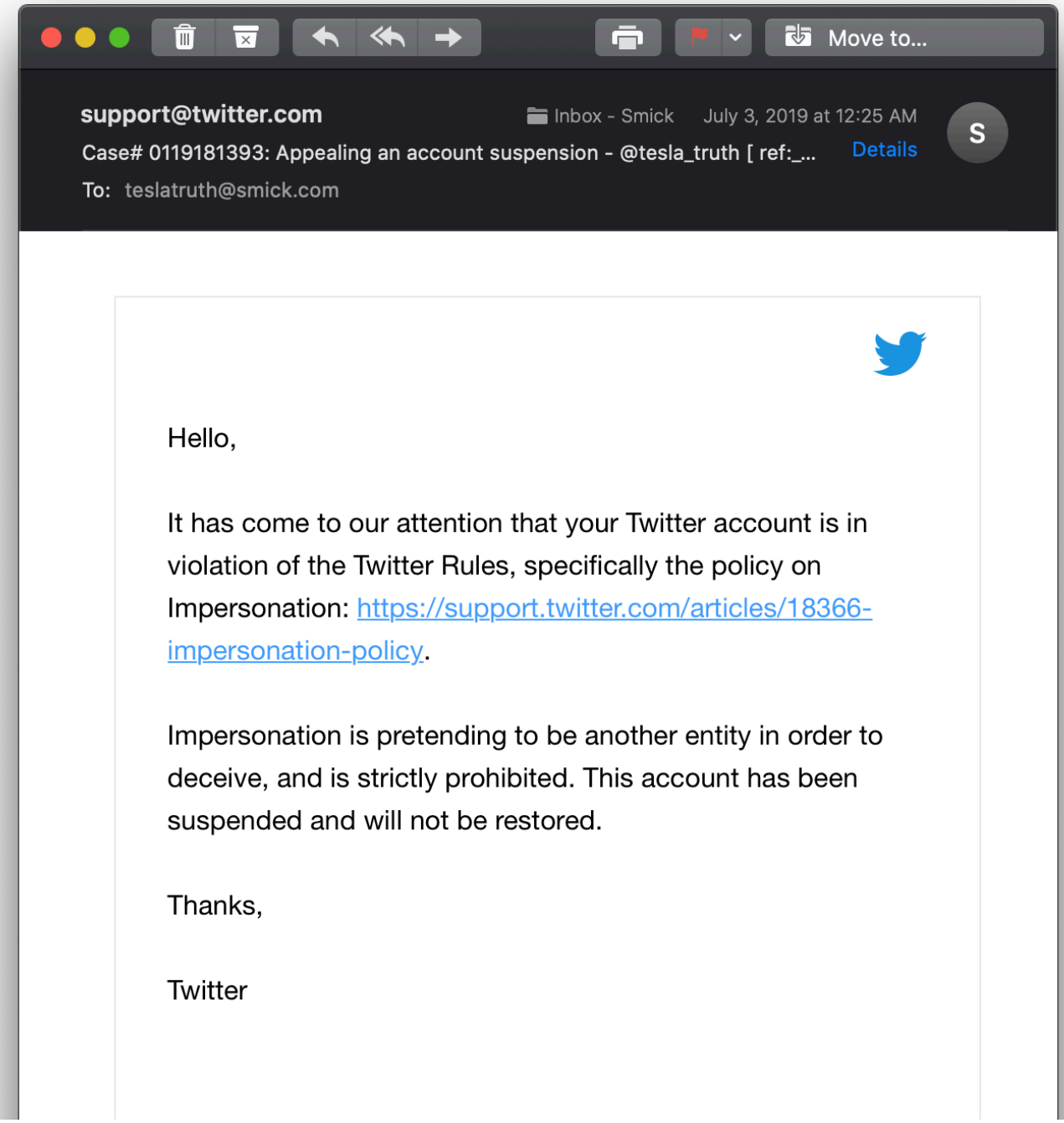


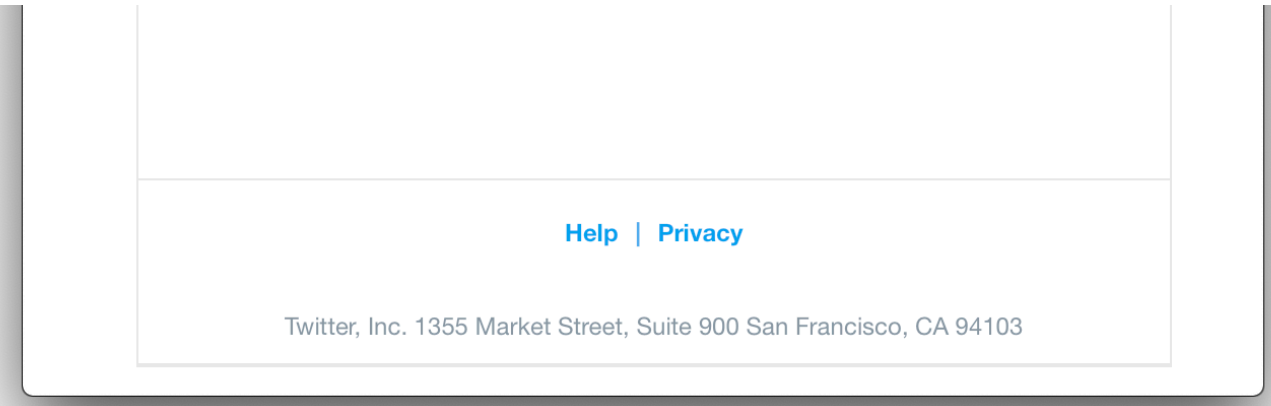
Suspension #2: Impersonation

The display name on my @tesla_truth account was "Steve Jobs". The subject of the account was the importance of innovation, and as a funny sort of parody of the anonymous swarms

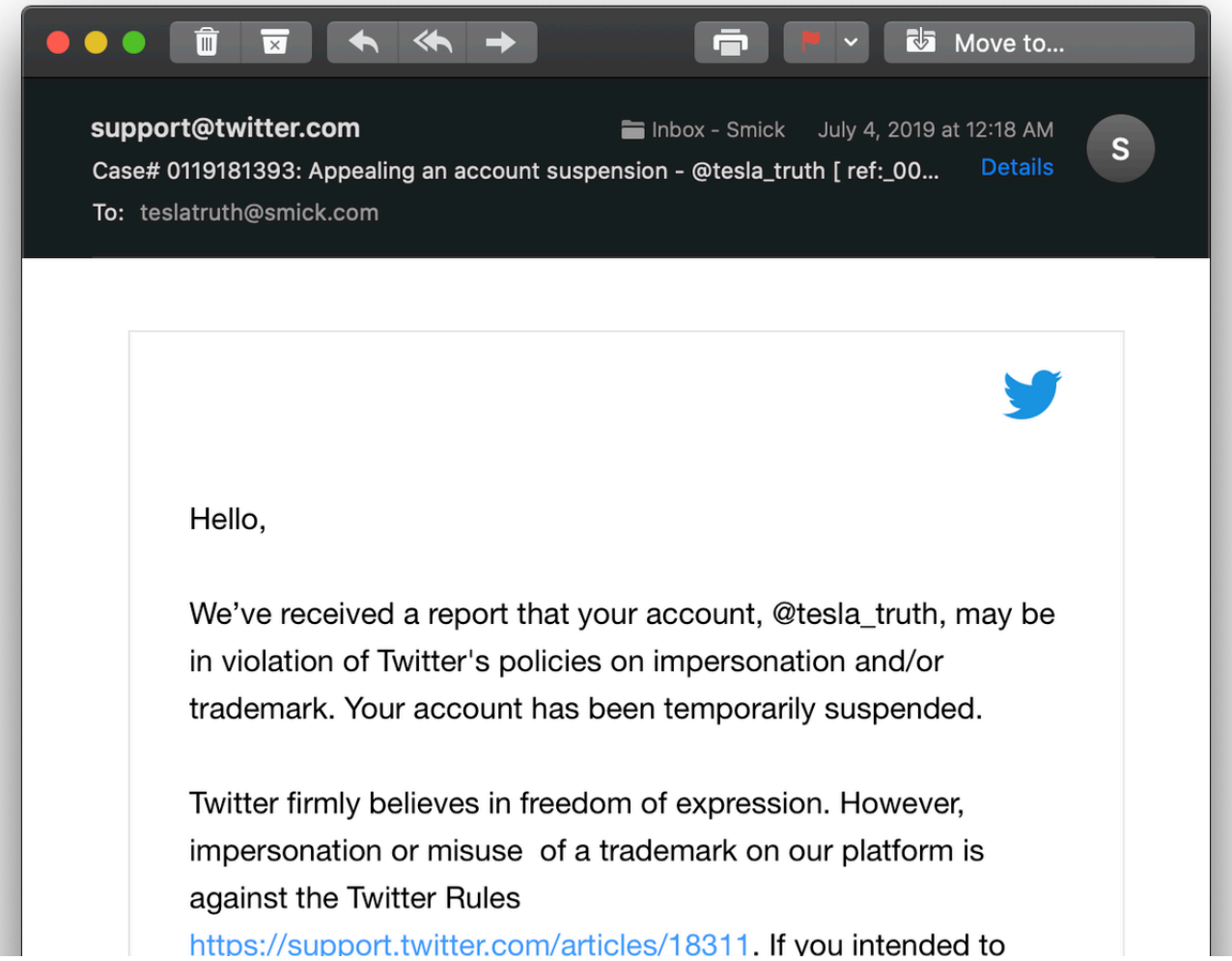
of accounts posting negative information about Tesla, I thought it would be funny to post in character as Steve Jobs back from the dead to explain Tesla's technology. I did not closely review the rules around parody accounts and $TSLAQ was able to have me suspended for impersonating Steve Jobs.

On July 3rd, I was notified that my account was permanently deleted and would not be restored for violating the rules against impersonation. This report was likely submitted by Aaron Greenspan.





After writing an appeal begging for my account back and explaining that it was a parody and not meant to deceive, Twitter allowed me to have my account back as long as I changed the name to “Steve Jobs’ Ghost” and changed the bio.



create a parody, commentary, or fan account, your account will not be in violation as long as it complies with our policy: http://help.twitter.com/articles/106373.

If you would like your account to be restored, please do the following:

- Respond to this email and confirm that you've read and understood the Twitter Rules https://support.twitter.com/articles/18311.
- When we receive your reply and your account is reactivated, you will have 48 hours to bring your account into compliance with our policy by editing the following information on the account:
  - Account name
  - Bio

Please understand that your account may be subject to permanent suspension if you fail to comply with these instructions or if it's found to further violate the Twitter Rules.

Suspension #3: Copyright on Aaron Greenspan's Purple Shirt

Since January 2019, I have been stalked and harassed by a deranged Tesla short seller named Aaron Greenspan. At one point I tweeted a picture of Aaron that is shown many places on the internet, **including in this blog post**.

Aaron sent a Digital Millennium Copyright Act takedown notice to Twitter demanding that they remove my profile header image, which was the top portion of the picture (showing the top of his head). I thought it was so funny that Aaron would bother to send a DMCA takedown notice that I posted two screenshots showing my profile before and after the copyright removal. I didn't think a screenshot of the old violation constituted copyright infringement, but Aaron waited until the day before Tesla earnings and sent an email to

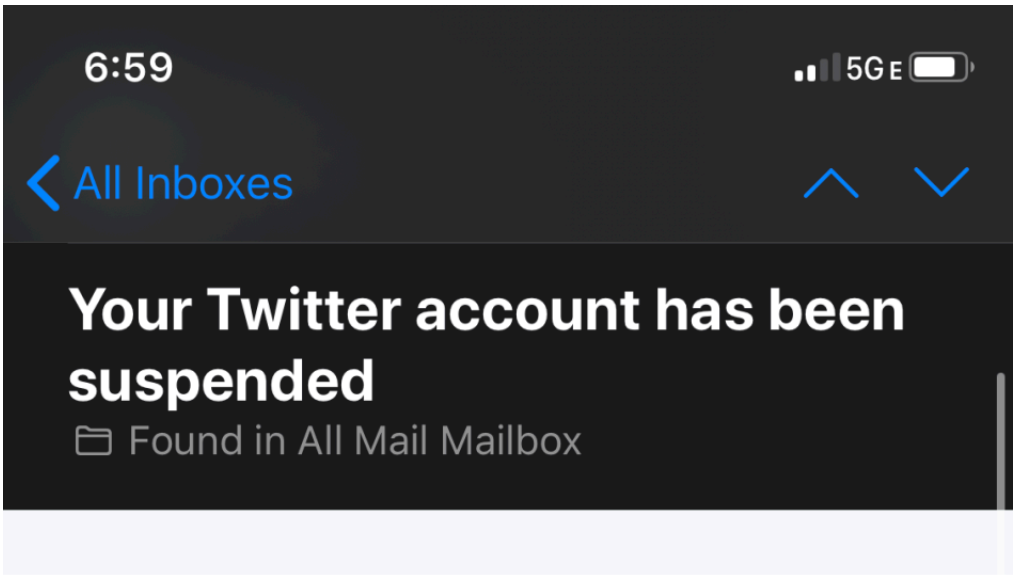
Twitter asking them to remove both my @tesla_truth and personal accounts for repeated copyright violations. Twitter agreed, and suspended my account. I was able to get it back about 1 day later.

> == Reported Tweet URL:
> https://twitter.com/tesla_truth/status/1182586032362901505
>
> == Description of infringement: Within hours, this user re-posted a screenshot of the same copyrighted image that had just been removed via the DMCA complaint in support request number 0128821585, and a different cropped view of the image that had just been removed. In addition, the user posted a separate copyrighted image this morning, which is the subject of request number 0128859664. This activity constitutes repeat infringement. The account and other accounts controlled by the same individual (e.g. @OmarQazi) should be permanently suspended under your repeat infringer policy.
>
> ---
>
> == 512(f) Acknowledgment: I understand that under 17 U.S.C. § 512(f), I may be liable for any damages, including costs and attorneys' fees, if I knowingly materially misrepresent that reported material or activity is infringing.
>
> == Good Faith Belief: I have good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.
>
> == Authority to Act: The information in this notification is accurate, and I state under penalty of perjury that I am authorized to act on behalf of the copyright owner.
>
> == Signature: Aaron Greenspan

Suspension #4: Spam + Permanent Ban

One day after getting my account back for the copyright violation, I received a notice that my personal account and @tesla_truth account had been permanently banned due to

"Spam". The appeal email from Twitter said this was connected to the copyright case, so it seems clear that Aaron Greenspan submitted this complaint. It's unclear what exactly the violation of the spam policy was, but things like posting from a different account while you're suspended could fall under this policy. I appealed the suspension, but 7 days later (today) Twitter told me that after reviewing my appeal my account would not be restored. I will not be able to create a new account either.



Hello,

Your account, tesla_truth has been suspended for violating the Twitter Rules.

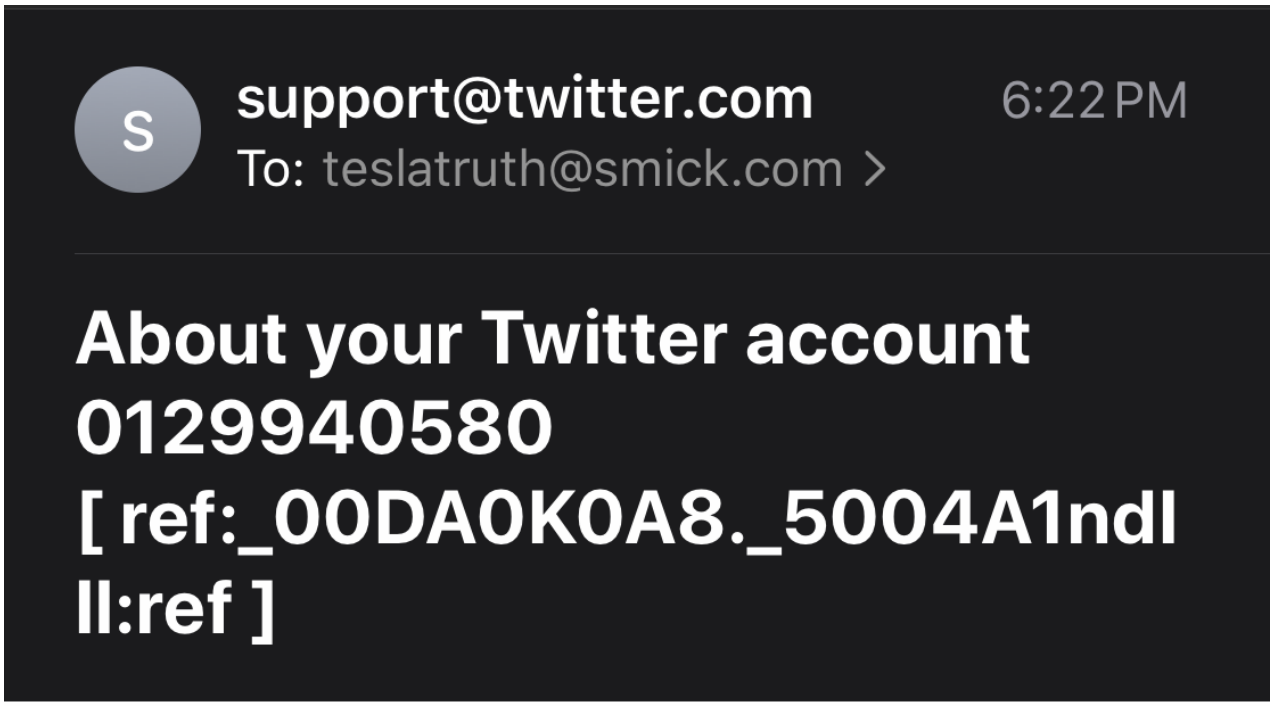
Specifically, for:

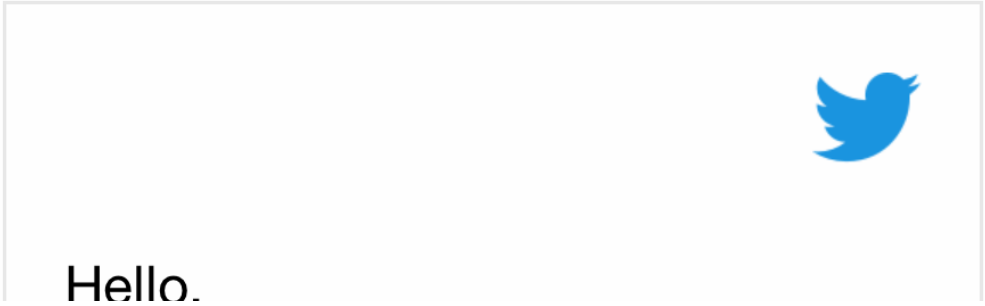
Violating our rules against platform manipulation and spam.
You may not use Twitter's services in a manner intended to artificially amplify or suppress information or engage in behavior that manipulates or disrupts people's experience

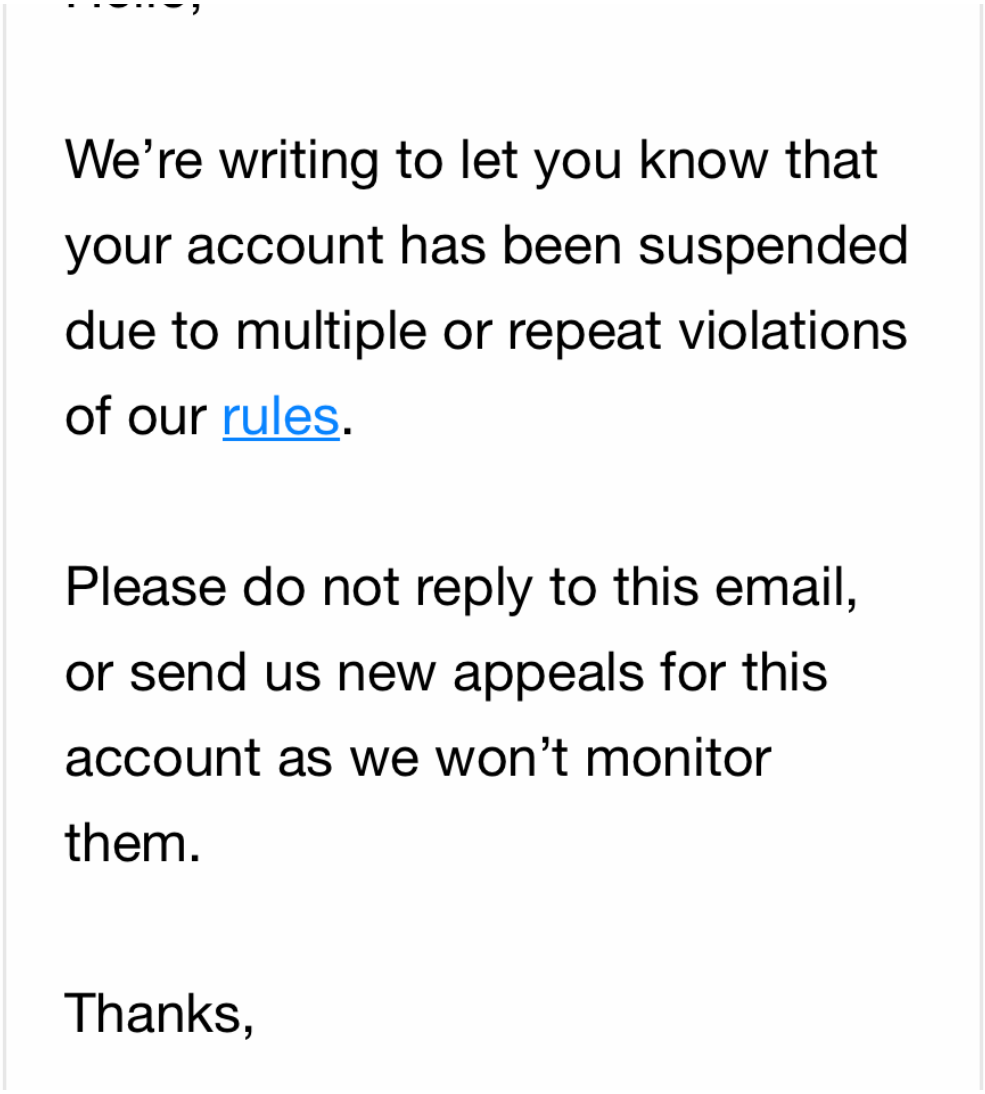
on Twitter.

Note that if you attempt to evade a permanent suspension by creating new accounts, we will suspend your new accounts. If you wish to appeal this suspension, please contact our support team.









What now?

Don't worry about it. Getting off Twitter is actually kind of nice. The shorts are doomed either way, and you can subscribe to this blog if you still want to hear from me. There's an email signup on the bottom of the page. And who knows, maybe Twitter will change their mind when they find out more about the situation

It's clear that the Tesla short sellers have put a lot of effort into making sure you can't hear from me. But their thesis is falling apart, and their fraud will be exposed. I'll have a lot more to say later but for now I'll be relaxing and enjoying my weekend. I just wanted to give you all an update on what happened now that I know that I am permanently banned from Twitter forever. Sad how the platform has been abused to become a propaganda tool for Tesla shorts.

I'll miss you guys all a lot! The 11 months we had together on that account were great. Never forget what the Tesla short sellers did! If they can use Twitter to try and destroy Tesla, others will use Twitter to destroy America and destroy democracy.

Media Inquiries

If you are a journalist who would like to know more, or is researching the $TSLAQ social media disinformation campaign, please feel free to contact me anytime.

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Be the first to like this.

Steve Jobs October 31, 2019 Uncategorized

30 thoughts on “Steve Jobs is Dead”

Daniel



October 31, 2019 at 8:50 pm

Please continue your content on facebook, Instagram, and or YouTube. We need all the help we can fighting the haters and myths and lies

★ Like

Reply

Steve Jobs



October 31, 2019 at 8:56 pm

I will

★ Like

Reply

Nick #FreeTeslaTruth (@nickwhoward)



October 31, 2019 at 8:52 pm

❤

★ Like

Reply

Joseph Yan (@josephyan6)



October 31, 2019 at 8:56 pm

I am so sorry to hear this. I am thinking to sign up on your newsletter but can't find the sign up box. Thanks.

★ Like

Reply

Alex Gayer



October 31, 2019 at 9:01 pm

Well this is disappointing. Your posts were one of the best reasons I use Twitter. Stay true, friend.

★ Like

Reply

Nikki Walker



October 31, 2019 at 8:56 pm

Twitter has suspended the wrong account.the shorties are the ones that should be suspended not you

★ Like

Reply

Steve Jobs
October 31, 2019 at 8:57 pm



I agree 😂

★ Like

Reply

Toni Marconi
October 31, 2019 at 8:57 pm

I miss you lots ❤
gatica1813

★ Like

Reply

K10
October 31, 2019 at 8:58 pm

You will be greatly missed.

★ Like

Reply

---

mrmikolyski
October 31, 2019 at 8:59 pm

Thanks for the update. I hope you get your account back soon.

★ Like

Reply

Tesla Brandon



October 31, 2019 at 8:59 pm

I already miss your tweets 😟 Twitter just isn't the same

★ Like

Reply

Rommell

October 31, 2019 at 9:02 pm

Hoping for your comeback!

★ Like

Reply

Mother Frunker



October 31, 2019 at 9:10 pm

❤

★ Like

Reply

Tony A Crisostomo



October 31, 2019 at 9:11 pm

Anything you want posted I'll do it with ~Steve Jobs is Dead~ at the end. Keep up the fight!!

★ Like

Reply

Angela Wang



October 31, 2019 at 9:14 pm

Look forward to have you in the team again

★ Like

Reply

TeslaJess



October 31, 2019 at 9:15 pm

Yo. Just comment in this thread with "#TweetMe" preceding and I'll post a screenshot of it on Twitter.

As long as you don't send Twitter a copyright infringement complaint for using a screenshot from your site😂🤣👍

★ Like

Reply

Caroline G.



October 31, 2019 at 9:18 pm

You have fought hard for spreading the truth. I've learned so much from you. I'm so

bummed that you are dead dead. TSLAQ see you as the biggest threat for their propaganda. We're not losing hope. We will see you again on Twitter. Stay strong! See you later on twitter.

★ Like

Reply

Steve Jobs



October 31, 2019 at 9:19 pm

Awww thanks Caroline! 😁 Don't worry, I'm sure it will all work out for the best. Either way, the shorts are toast.

★ Like

Reply

Bark



October 31, 2019 at 9:21 pm

Don't worry about it ghost. The $TSLAQ #DumDums can't stop the truth 🤘🤘

★ Like

Reply

Gary Milton



October 31, 2019 at 9:28 pm

That blows 👎... sorry brother
We can set up a GoFundMe and get you a new phone and you can come back as Elvis or something?
I may start at $TWTRQ in your honor
Rest In Peace Steve

★ Like

Reply

Vinay



October 31, 2019 at 9:28 pm

Will miss you, Please start a You Tube venture, Tesla community will rally behind you.

★ Like

Reply

Steezyysosa



October 31, 2019 at 9:32 pm

We miss you Buddy! Don't let these Short f**** stop you from providing FACTS!! I'll be subscribed to this Site!

★ Liked by **1 person**

Reply

GhostofSteveJobs- Again!!, (@kellg12)



October 31, 2019 at 9:33 pm

Crap , I was just getting use to checking your feed each & every day.
Hang tough & those that miss you are carrying the torch

★ Like

Reply

Vm.10

October 31, 2019 at 9:46 pm

Maybe start a online /phone discussion weekly. Love to hear from you.

★ Like

Reply

Simon

October 31, 2019 at 9:51 pm

My email's **simon@teslarati.com**

Let's tell a story

★ Liked by **1 person**

Reply

hooz

October 31, 2019 at 10:02 pm

We got your back brother!

★ Like

Reply

TheMicster

October 31, 2019 at 10:07 pm



Hang in there friend.

★ Like

Reply

TheMicster



October 31, 2019 at 10:08 pm

Hang in there, friend.

★ Like

Reply

---

mortchad



October 31, 2019 at 10:18 pm

Bro – missing you!!

★ Like

Reply

---

mortchad



October 31, 2019 at 10:19 pm

Missing you bro!!

★ Like

Reply

Leave a Reply

Enter your comment here...

Whole Mars Catalog, **Blog at WordPress.com.**

EXHIBIT M

Undesired Subscription Confirmation E-Mails

From: **Healthline** newsletter@newsletter.healthline.com
Subject: Welcome to Healthline
Date: November 1, 2019 at 12:04 PM
To: [redacted]

healthline

Hi there.
You've got a new health ally.

Thanks for inviting Healthline into your inbox — and along on your pursuit and well-being. If you're new to Healthline, you're in good company. Every over 85 million people look to us to help them live their healthiest lives.

Our newsletters cover every major health condition, plus well-being at eac life. From medically reviewed articles and personal stories to research upd news, and wellness tips, we've got you covered.

Have a look at our collection of newsletters and sign up for as many as yo first edition will arrive soon. And in the meantime, we've included a few of popular wellness stories below.

Kindly,

The Healthline Newsletter Team

To ensure you receive our newsletters, please add newsletter@newsletter.healthline.com to your address book.

Top Stories



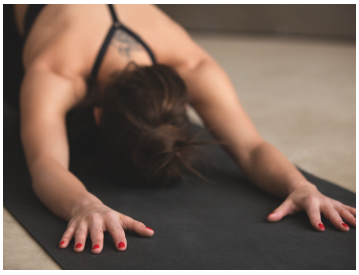
Need to Calm Yourself? Here Are 15 Ways

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Breaking Open t Benefits of Coco Water

READ ON →



7 Strength-Building Stretches for Your



Are You Drinking Enough Water Ea

Back

READ ON →

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660 3rd Street, San Francisco, CA 94107

From: **Psych Central Newsletter** talkback@psychcentral.com
Subject: Psych Central Weekly Newsletter: Subscription Confirmed
Date: November 1, 2019 at 12:10 PM
To: [redacted]

Your subscription to our list has been confirmed.

For your records, here is a copy of the information you submitted to us...

Email Address:	[redacted]
First Name:	
Last Name:	
Gender:	Not specified
I'm a mental health professional or researcher:	
Additional Topics of Interest:	

If at any time you wish to stop receiving our emails, you can:

unsubscribe here

You may also contact us at:
talkback@psychcentral.com

---

mailchimp

From: **Scientific American** news@email.scientificamerican.com
Subject: Welcome to Our Community
Date: November 1, 2019 at 12:12 PM
To: [redacted]



Thank you for your interest in *Scientific American* and for signing up to receive our newsletter(s). You are now part of a global community of science enthusiasts that wants to keep up with the latest news, commentary and in-depth features (including articles by more than 200 Nobel Prize winners) about the most important advances in research and discovery that are shaping our world and changing people's lives.



Curtis Brainard - Acting Editor in Chief

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Unsubscribe Email Preferences Privacy Policy Contact Us

From: [redacted] noreply@[redacted]
Subject: Activate your new [redacted]
Date: November 2, 2019 at 2:58 PM
To: [redacted]

[redacted]

You're nearly there!

Your [redacted] account aarongreenspan has been created. We just need to verify your email address to complete signup.

Verify Your Email Address

Or paste this link into your browser.

[redacted]

If you didn't sign up for [redacted], please ignore this email.

Thanks,
[redacted]

English ▼ Change Language: Select Email Language

This email sent from [redacted] to [redacted]
To control emails from [redacted] adjust your Email Preferences

[redacted] | Privacy Policy | Contact Support

From: **Alexander (** [redacted] **)** support@[redacted]
Subject: Re: [redacted] EMAIL CONFIRMATION ISSUE: Message from Aaron Greenspan
Date: November 3, 2019 at 4:00 PM
To: Aaron Greenspan [redacted]

##- Please type your reply above this line -##

Your request ([redacted]) has been updated. To add additional comments, reply to this email.



Alexander ([redacted])
Nov 3, 19:00 EST

Hello Aaron,

Thank you for contacting [redacted].

For any inquiries about the personal information of [redacted] members, please have the authorities contact us directly at support@[redacted].

Accounts are active by default without email confirmations.

Best regards,

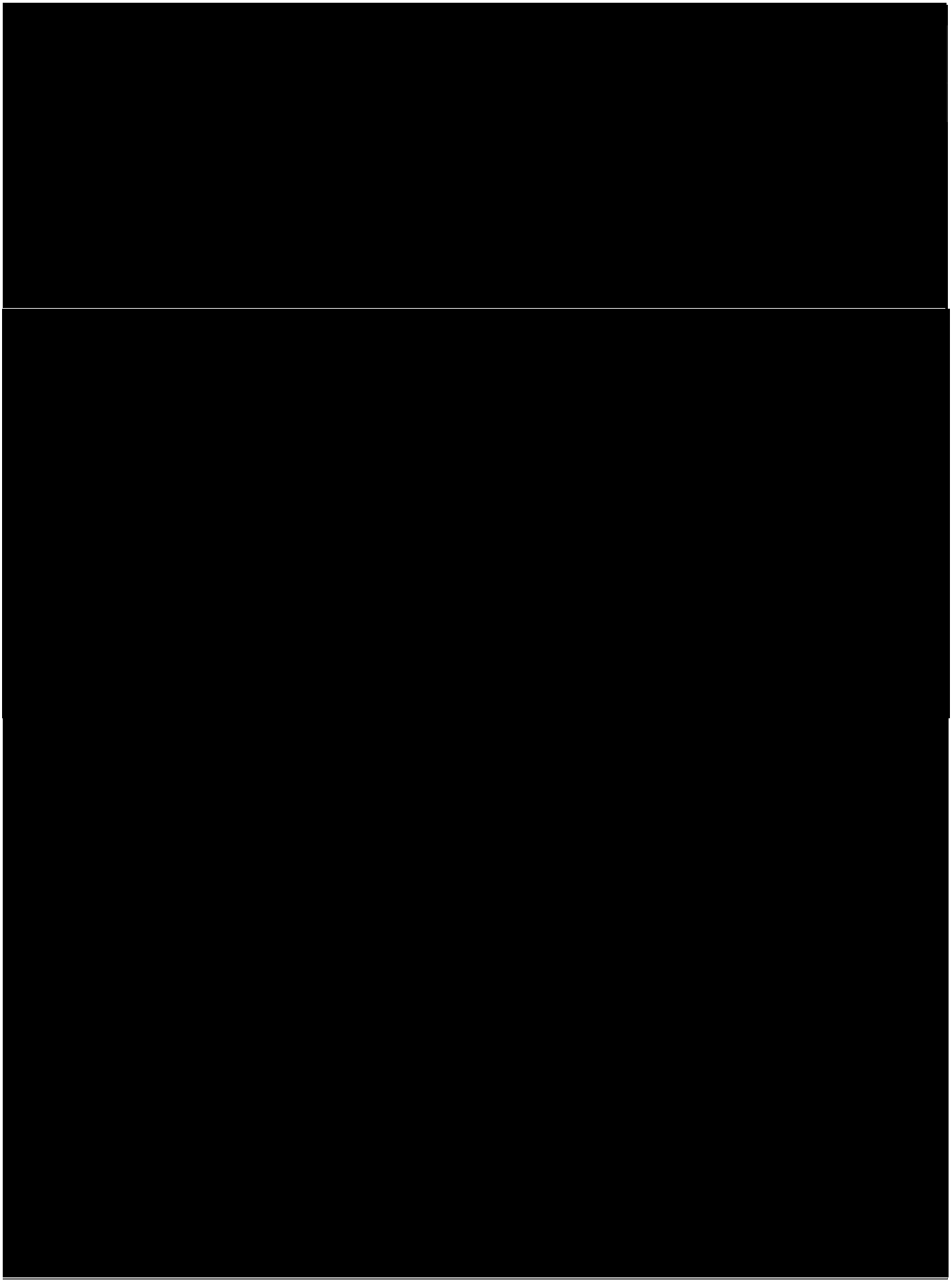
Alexander
Pornhub Support

This email is a service from [redacted]. Delivered by Zendesk | Privacy Policy

[redacted]

EXHIBIT N

Undesired [redacted] Profile



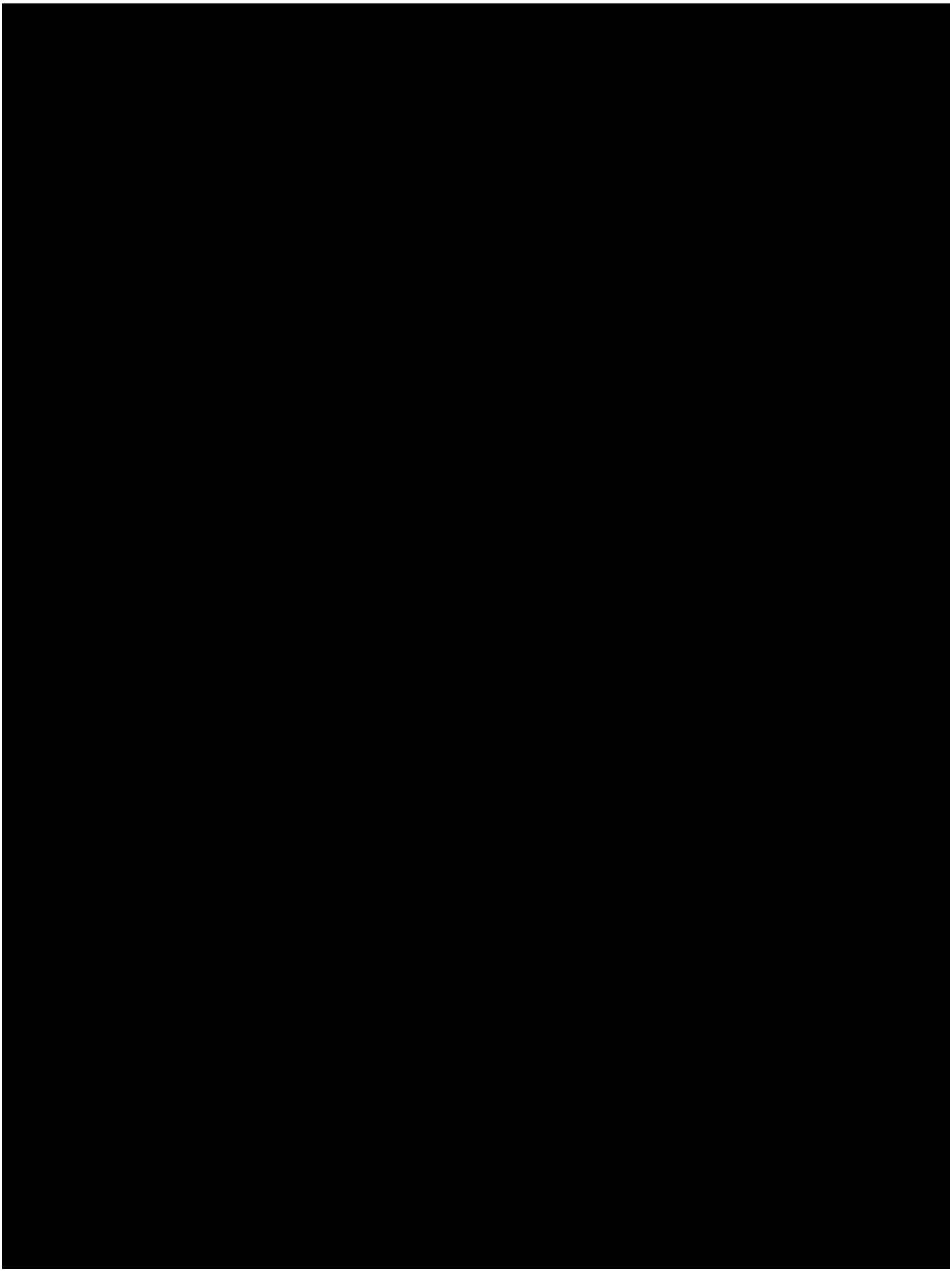


EXHIBIT O

@OmarQazi Twitter Post from August 7, 2019 at 6:38 P.M. Admitting to Downloading and Modifying Restraining Order Document Involving [redacted]

one. twitter.com/tesla_truth/st…

This Tweet is unavailable.

10 9 52

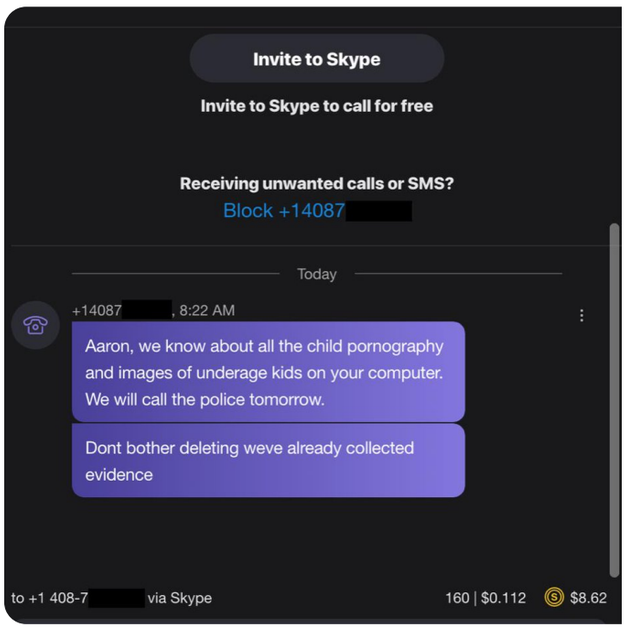
PlainSite @PlainSite · 6h

(There was no restraining order court date this week and there never was.)

1 6

PlainSite @PlainSite · 6h

On Saturday, August 3rd, Qazi sent text messages to PlainSite founder @AaronGreenspan threatening to file a false police report against him about child pornography possession. He followed up minutes later with a pornographic fax.





7 6 29

steve myro @SteveMyro · 1h

Is this true @omarqazi?

1 1

Omar Qazi
@omarqazi

Follow

Replying to @SteveMyro @PlainSite @AaronGreenspan

I did make the joke post about Aaron getting beat up by kids or whatever with his contact info I got from PlainSite. Did it for fun because he posted tweeted about me. Deleted it later that day. Nothing personal against Aaron.

6:38 PM - 7 Aug 2019

© 2019 Twitter About Help Center Terms Privacy policy Cookies Ads info

EXHIBIT P

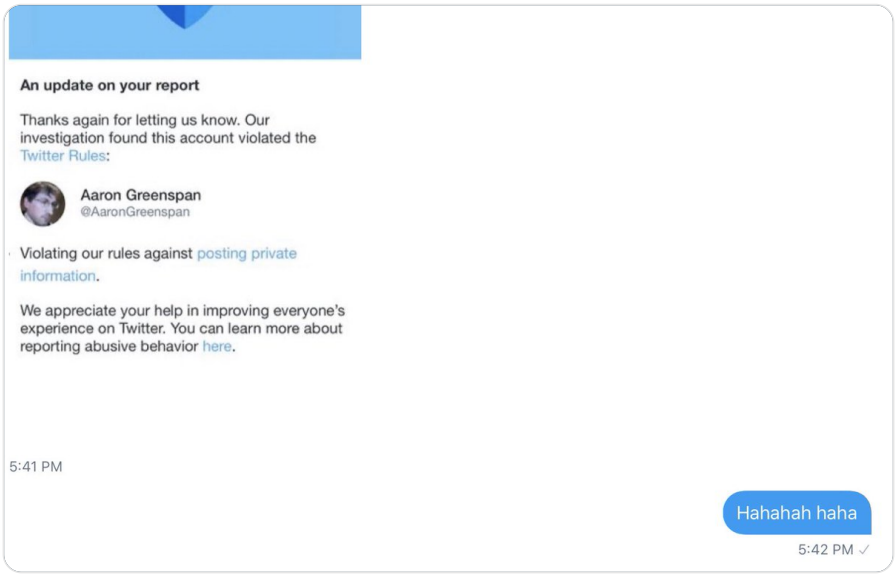
@tesla_truth Twitter Post from September 24, 2019 at 5:45 P.M. Depicting Direct Message Involving Report to Twitter About @AaronGreenspan's Mention of [redacted]

Home Moments Search Twitter Have an account? Log in

Steve Jobs Ghost
@tesla_truth

Follow

Rule breaker / law breaker



5:45 PM - 24 Sep 2019

14 Likes

2 14

Pravduh @Pravduh15 · 3h
Replying to @tesla_truth
And the people rejoice:

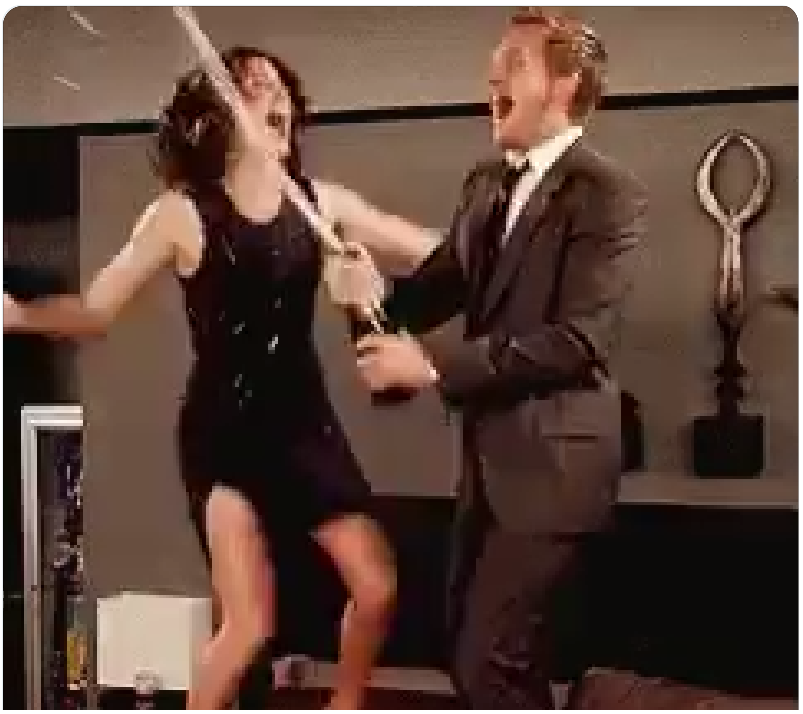


EXHIBIT Q

E-Mail from Twitter, Inc. from September 24, 2019 at 9:49 P.M. Admitting Account Suspension Error Regarding @AaronGreenspan

From: **Twitter** notify@twitter.com
Subject: Your account has been restored
Date: September 24, 2019 at 9:49 PM
To: Aaron Greenspan [redacted]

Hello,

Our support team has reviewed your account and it appears we made an error. We've determined there was no violation and have restored your account to full functionality.

We sincerely apologize for any inconvenience and appreciate you taking the time to submit your appeal request to us.

Thanks,
Twitter

Go to Twitter

EXHIBIT R

August 30, 2019 Restraining Order Against [redacted]

Santa Clara County Superior Court, Case No. 18CH008067

CH-130 Civil Harassment Restraining Order After Hearing

CCP 527.6

Person in (1) must complete items (1), (2), and (3) only.

Clerk stamps date here when form is filed.

FILED
AUG 30 2019
Clerk of the Court
Superior Court of CA County of Santa Clara
BY _____ DEPUTY
K. NGUYEN

Fill in court name and street address:

Superior Court of California, County of
Santa Clara
191 N. First Street
San Jose, CA 95113
Civil Courthouse

Court fills in case number when form is filed.

Case Number:
18CH008067

(1) Protected Person

a. Your Full Name: Aaron Jacob Greenspan

Your Lawyer *(if you have one for this case)*
Name: self-represented State Bar No.: _____
Firm Name: self-represented

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)*
Address: 500 Race Street, Apt. 4321
City: San Jose State: CA Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

(2) Restrained Person

Full Name: [redacted]

Description:

Sex: ☒ M ☐ F Height: unknown Weight: unknown Date of Birth: 1965*
Hair Color: dark brown Eye Color: unknown Age: 53 Race: White
Home Address *(if known)*: unknown
City: _____ State: _____ Zip: _____
Relationship to Protected Person: none

(3) ☒ Additional Protected Persons

In addition to the person named in (1), the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
Judith Keene Greenspan	F	64	☐ Yes ☒ No	mother
Neil Sanford Greenspan	M	65	☐ Yes ☒ No	father

☒ *Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.*

(4) Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: 11:59 PM ☐ a.m. ☒ p.m. ☐ midnight on *(date)*: 08/30/2021

If no expiration date is written here, this Order expires three years from the date of issuance.

This is a Court Order.

5 Hearing

a. There was a hearing on *(date):* May 2, 2019 at *(time):* 1:30pm in Dept.: 11 Room: _____
(Name of judicial officer): Hon. Carol Overton made the orders at the hearing.

b. These people were at the hearing:

(1) ☒ The person in (1). (3) ☐ The lawyer for the person in (1) *(name):* _____

(2) ☒ The person in (2). (4) ☐ The lawyer for the person in (2) *(name):* _____

☐ Additional persons present are listed at the end of this Order on Attachment 5.

c. ☐ The hearing is continued. The parties must return to court on *(date):* _____ at *(time):* _____.

To the Person in (2):

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.

6 ☒ Personal Conduct Orders

a. You must **not** do the following things to the person named in (1)

☒ and to the other protected persons listed in (3):

(1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

(2) ☒ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.

(3) ☐ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify):*

☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

7 ☒ Stay-Away Orders

a. You **must** stay at least 300 yards away from *(check all that apply):*

(1) ☒ The person in (1).

(2) ☒ Each person in (3).

(3) ☒ The home of the person in (1).

(4) ☒ The job or workplace of the person in (1).

(5) ☐ The school of the person in (1).

(6) ☐ The school of the children of the person in (1).

(7) ☐ The place of child care of the children of the person in (1).

(8) ☒ The vehicle of the person in (1).

(9) ☐ Other *(specify):*

b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

(8) No Guns or Other Firearms and Ammunition

a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**

b. If you have not already done so, you must:

- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
- File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-800,* Proof of Firearms Turned In, Sold, or Stored, *for the receipt.)*

c. ☐ The court has received information that you own or possess a firearm.

d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s)):* _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

(9) ☐ Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for

☐ lawyer's fees ☐ costs:

Item	Amount	Item	Amount
	$		$
	$		$

☐ Additional items and amounts are attached at the end of this Order on Attachment 9.

(10) ☐ Possession and Protection of Animals

a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. *(Identify animals by, e.g., type, breed, name, color, sex.)*

b. ☐ The person in (2) must stay at least ____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

(11) ☒ Other Orders *(specify):*

The Court shall retain the Exhibits for the appellate period.

☒ Additional orders are attached at the end of this Order on Attachment 11.

This is a Court Order.

To the Person in (1):

(12) Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.

b. ☒ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address *(City, State, Zip)*

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

(13) Service of Order on Restrained Person

a. ☒ The person in (2) personally attended the hearing. ~~No other proof of service is needed.~~ Co

b. ☐ The person in (2) did not attend the hearing.

(1) ☒ Proof of service of form CH-110, *Temporary Restraining Order,* was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in (2) must be served with this Order. Service may be by mail.

(2) ☐ The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in (1) or (3)—must personally serve a copy of this Order on the person in (2).

(14) ☒ No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

a. ☒ The Order is based on unlawful violence, a credible threat of violence, or stalking. Co

b. ☐ The person in (1) is entitled to a fee waiver.

(15) Number of pages attached to this Order, if any: 1 additional page, 11 OTHER ORDERS.

Date: August 30, 2019

Judicial Officer
Carol Overton

This is a Court Order.

Warning and Notice to the Restrained Person in (2):

You Cannot Have Guns or Firearms

Unless item 8d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item (8) above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item (4) on page 1.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Conflicting Orders—Priorities of Enforcement

if more than one restraining order has been issued, the orders must be enforced according to the following priorities: *(See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)*

1. *EPO:* If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order:* If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order:* If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order:* If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

AUG 30 2019

Clerk of the Court
SUPERIOR COURT OF CA COUNTY OF SANTA CLARA

BY _____ DEPUTY
K. NGUYEN

THE GREAT SEAL OF THE STATE OF CALIFORNIA

This is a Court Order.

Attachment #3 Additional Protected Persons
05/02/2019
18CH008067

Greenspan vs. MasMarques

Name	Sex	Age	Household Member	Relation to Protected Person
[redacted]				Brother

OTHER ORDERS

With regard to Respondent's cross-request for a restraining order after hearing against Petitioner, the request is denied. In this regard, the Court notes that Respondent conceded during his hearing testimony that information Petitioner published concerning his criminal record had not been sealed. Thus, such information was a matter of public record. Respondent did not otherwise persuasively establish by clear and convincing evidence that Petitioner engaged in unlawful harassment warranting issuance of a further restraining order after hearing.

The Court hereby orders sealed that portion of the record of these proceedings containing Respondent's personal information included within otherwise public documents, specifically: Respondent's social security and driver's license numbers.

IT IS SO ORDERED.

Dated: August 30, 2019

Carol Overton
Judge of the Superior Court

Attachment 11

EXHIBIT S

@CleanRevelry Twitter Post from October 9, 2019 at 7:00 P.M. Threatening Aaron Greenspan

Home Moments Search Twitter Have an account? Log in

clean.green
@CleanRevelry
Don't be like the
United States
Joined Octobe

Steve Jobs Ghost @tesla_truth · 4h
Thanks to everyone for the support 🙂

Love you guys ❤️🍎

really appreciate you - the way you fight these mother fucking, pathetic, basement dwelling, short sellers, fund managers, skilled ICE auto mechanics and gas station attendants! So thank you and know you've got me in your corner. Happy to help too if the need ever arises. Thanks and keep it up! (And someone needs to get Aaron Greenspan laid ASAP. Seriously.)

5:50 PM

😂

12 2 136

Kim Paquette @kimpaquette · 4h
Bruh, Aaron is a psychopathic incel who likes to bully with threatened lawsuits. Think his mama was mean to him as a child.

4 1 15

clean.green.revelry
@CleanRevelry
Follow

Replying to @kimpaquette @tesla_truth

Yo @AaronGreenspan, see you on a dark night.

7:00 PM - 9 Oct 2019

1

Monty K10✨ @Kristennetten · 2h
Replying to @CleanRevelry @kimpaquette @tesla_truth



1 1

clean.green.revelry @CleanRevelry · 2h
😂😂😂

2

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