



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

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

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**SUBPOENA *DUCES TECUM***  
**JACK DORSEY**

**TO:**  
**Jack Dorsey**  
**c/o George M. Garvey**  
**Munger, Tolles & Olson LLP**  
**350 S. Grand Avenue, 50th Floor**  
**Los Angeles, California 90071-3426**

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

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

the offices of Chipman Brown Cicero & Cole, LLP, Hercules Plaza, 1313 North Market Street, Suite 5400, Wilmington, Delaware 19801, or at such other date, time, and location upon which the parties may mutually agree or may be ordered by the Court.

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

OF COUNSEL:

Alex Spiro  
Andrew J. Rossman  
Christopher D. Kercher  
Silpa Maruri  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
(212) 849-7000

DATED: August 17, 2022

/s/ Joseph Cicero  
Robert A. Weber (#4013)  
Joseph B. Cicero (#4388)  
Elliott Covert (#6540)  
CHIPMAN BROWN CICERO & COLE,  
LLP  
Hercules Plaza  
1313 North Market Street, Suite 5400  
Wilmington, Delaware 19801  
(302) 295-0191

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

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

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

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

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

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

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

(i) Fails to allow reasonable time for compliance;

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

(iii) Subjects a person to undue burden.

(B) If a subpoena

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

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

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

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

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

## Michelle Dero

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**From:** Garvey, George <George.Garvey@mto.com>  
**Sent:** Friday, August 19, 2022 2:10 PM  
**To:** Kathryn Bonacorsi  
**Cc:** Jaclyn Palmerson; Oved, Avi Rejwan  
**Subject:** RE: Twitter, Inc. v. Musk, et al., Delaware Chancery C.A. No. 2022-0613-KSJM

[EXTERNAL EMAIL from [george.garvey@mto.com](mailto:george.garvey@mto.com)]

Hi, Kate--We accept service of the subpoena on Mr. Dorsey's behalf, reserving all rights and objections except as to means of service and person served.

May we agree on a deadline for the written response of 14 days from today? I'd like to engage with you sooner than to try to avoid any disputes--would some time Wednesday between noon and 3 pm, or Thursday between noon and 2 pm ET be convenient?

Best,  
George

**George M. Garvey (he/him/his) | Munger, Tolles & Olson LLP**  
350 South Grand Avenue | Los Angeles, CA 90071  
Tel: 213.683.9153 | Mobile: 310.890.8019 | [george.garvey@mto.com](mailto:george.garvey@mto.com) | [www.mto.com](http://www.mto.com)

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**From:** Kathryn Bonacorsi <kathrynbbonacorsi@quinnemanuel.com>  
**Sent:** Wednesday, August 17, 2022 6:38 AM  
**To:** Garvey, George <George.Garvey@mto.com>  
**Cc:** Jaclyn Palmerson <jaclynpalmerson@quinnemanuel.com>  
**Subject:** RE: Twitter, Inc. v. Musk, et al., Delaware Chancery C.A. No. 2022-0613-KSJM

Mr. Garvey,

We represent Defendants in the above referenced action. Please advise whether you agree to accept service of the attached subpoena.

Regards,

**Kathryn Bonacorsi**  
Associate  
Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010  
212-849-7312 Direct  
212-849-7000 Main Office Number  
212-849-7100 FAX  
[kathrynbonacorsi@quinnemanuel.com](mailto:kathrynbonacorsi@quinnemanuel.com)  
[www.quinnemanuel.com](http://www.quinnemanuel.com)

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