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**UNITED STATES DISTRICT COURT
DISTRICT OF NORTHERN CALIFORNIA
SAN FRANCISCO DIVISION**

DIANA YE, JAMES BRIAN KURTZ, and
TUSHAR BHUSHAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

X CORP., f/k/a TWITTER, INC., X HOLDINGS
CORP., X.AI HOLDINGS CORP., ELON
MUSK, and DOES,

Defendants.

Case No. 3:25-cv-09501-TLT

**JOINT STATUS REPORT AND JOINT
MOTION TO STAY ALL CASE
SCHEDULING ORDER DEADLINES
AND HEARINGS PENDING
FINALIZATION AND SUBMISSION
OF SETTLEMENT FOR COURT
APPROVAL**

Hon. Trina L. Thompson

Plaintiffs Diana Ye, James Brian Kurtz, and Tushar Bhushan, individually and on behalf of the proposed class (collectively, “Plaintiffs”), and Defendants X Corp. (f/k/a Twitter, Inc.), X Holdings Corp., X.AI Holdings Corp., and Elon Musk (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), by and through their respective counsel, respectfully submit this Joint Status Report pursuant to the Court’s July 13, 2026 Notice (Dkt. 54) and jointly move the Court, pursuant to Federal Rule of Civil Procedure 16(b)(4), Civil Local Rule 7-11, and the Court’s inherent authority to manage its docket, to stay all remaining deadlines and hearings set forth in the operative scheduling orders pending the Parties’ finalization of a settlement in principle and submission of the proposed settlement to the Court for approval.

In support of this Joint Status Report and Motion, the Parties state as follows:

I. STATUS REPORT

1. On July 13, 2026, the Court issued a Notice acknowledging that the Parties had scheduled a private mediation for September 28, 2026, with Hunter Hughes of Hunter ADR, and

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DEADLINES**

1 directing the Parties to file a joint status report no later than August 28, 2026 to update the Court
2 on the mediation, and a further joint status report no later than October 9, 2026 to report on the
3 completion of private alternative dispute resolution. (Dkt. 55).

4 2. The Parties participated in the private mediation with Mr. Hughes on September 28,
5 2026. As a result of that mediation, the Parties are pleased to report that they have reached a
6 settlement in principle that, if finalized and approved, would resolve this action in its entirety.

7 3. The Parties are now negotiating the terms of a long form settlement agreement. Because
8 this is a putative class action, any settlement will be subject to the Court's approval under Federal
9 Rule of Civil Procedure 23(e). The Parties therefore require a reasonable period to finalize the
10 settlement documentation and to prepare and submit a motion for approval of the proposed
11 settlement.

12 4. The Parties submit this Joint Status Report in satisfaction of the Court's directive to
13 report on the status of private alternative dispute resolution by October 9, 2026. (Dkt. 55).

14 **II. RELEVANT PROCEDURAL BACKGROUND**

15 5. On April 30, 2026, the Court entered a Case Management and Scheduling Order (Dkt.
16 49), which it amended on May 5, 2026 (the "Amended Scheduling Order"). (Dkt. 53).
17 The Amended Scheduling Order sets, among other deadlines, completion of private
18 mediation by October 9, 2026 and a further status conference on October 22, 2026; the last day
19 to file a motion for class certification on March 31, 2027; a fact discovery cut-off of July 27,
20 2027; and a jury trial beginning May 1, 2028. (Dkt. 53).

21 6. On July 31, 2026, upon Defendants' unopposed administrative motion and a showing of
22 good cause, the Court stayed all discovery in this action pending a ruling on Defendants' Motion
23 to Dismiss (Dkt. 40). (Dkts. 56, 57). In connection with that stay, the Court directed the Parties to
24

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1 submit amended discovery deadlines by October 15, 2026, for the forthcoming joint case
2 management conference set in October 2026. (Dkt. 57).

3 7. Discovery thus remains stayed, and the Parties have not conducted merits discovery.
4 Resolving this action through the settlement reached at mediation would obviate the need for the
5 Parties and the Court to expend further resources litigating a revised discovery schedule, class
6 certification, dispositive motions, and trial.

7 **III. RELIEF REQUESTED**

8 8. The Parties respectfully request that the Court stay all future deadlines and hearings
9 under the Amended Scheduling Order (Dkt. 53) and the Order Granting [56] Administrative
10 Motion (Dkt. 57), including, without limitation:

- 11 a. the requirement to submit a revised case management schedule, including new
12 discovery deadlines, currently due October 15, 2026;
- 13 b. any case management conference, and the further status conference presently set for
14 October 22, 2026; and
- 15 c. all other remaining case-management, discovery, class-certification, motion, pretrial,
16 and trial deadlines set forth in the Amended Scheduling Order.

17 9. The Parties further request that, in lieu of the stayed deadlines, the Court permit the
18 Plaintiffs until January 15, 2027, to file a motion for approval of the proposed settlement.

19 **IV. GOOD CAUSE AND LEGAL AUTHORITY SUPPORT A STAY**

20 10. A stay is warranted under Rule 16(b)(4) and the Court's inherent authority. A
21 scheduling order "may be modified only for good cause," Fed. R. Civ. P. 16(b)(4). The court
22 possesses "inherent authority to stay federal proceedings pursuant to its docket management
23 powers." *In re PG&E Corp. Sec. Lit.*, 100 F.4th 1076, 1085 (9th Cir. 2024) (internal citation
24 omitted). In deciding whether to stay proceedings, courts in this Circuit weigh "(1) the possible

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1 damage which may result from the granting of a stay; (2) the hardship or inequity which a party
2 may suffer in being required to go forward; and (3) the orderly course of justice measured in terms
3 of the simplifying or complicating of issues, proof, and questions of law.” *Id.*

4 12. Each consideration supports the requested stay here. First, no party will be damaged by
5 the stay; the stay is jointly requested, discovery is already stayed (Dkt. 57), and no merits deadline
6 is imminent other than the schedule-submission obligation the Parties seek to defer. Second,
7 requiring the Parties to go forward—by negotiating and submitting a revised discovery schedule
8 and preparing for a case management conference while simultaneously documenting a global
9 settlement—would impose needless hardship and expense on both sides. Third, the orderly course
10 of justice is best served by a stay: resolving this action by settlement will likely eliminate every
11 remaining issue, sparing the Court and the Parties the burden of class certification, merits and
12 expert discovery, dispositive motions, and trial.

13 13. A settlement reached in principle supports a stay to permit finalization and court
14 approval. The requested stay affords the Parties the time necessary to document their agreement
15 and to prepare and present a motion for the court’s final fairness determination, required by Rule
16 23(e)(2). The Parties’ proposed deadline for a motion for approval of the proposed settlement
17 ensures that the stay will be of reasonable length and limited duration.

18 V. CONCLUSION

19 For the foregoing reasons, the Parties respectfully request that the Court (1) accept this
20 Joint Status Report; (2) stay all future deadlines and hearings under the Case Management and
21 Scheduling Order and the Amended Scheduling Order, including the October 15, 2026 deadline to
22 submit a revised case management schedule and new discovery deadlines and the October 22,
23 2026 further status conference; and (3) direct the Plaintiffs to file a motion for approval of the
24 proposed settlement by January 15, 2027. A proposed order is submitted herewith.

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**JOINT STATUS REPORT REGARDING MEDIATION AND MOTION TO STAY
DEADLINES**

1 DATED: October 9, 2026

Respectfully submitted,

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3 /s/ Jared R. Killeen

Jared R. Killeen (*pro hac vice*)

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DEADLINES**