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15 *Counsel for Plaintiff William Heresniak*

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18

19 WILLIAM HERESNIAK, on behalf of himself
and all others similarly situated,

20
21 Plaintiff,

22 vs.

23 ELON R. MUSK, X HOLDINGS I, INC., X
HOLDING II, INC., and TWITTER, INC.,

24
25 Defendants.

Case No. 3:22-cv-3074-CRB

Class Action

**PLAINTIFF’S NOTICE OF MOTION
AND MOTION FOR LEAVE TO
AMEND THE COMPLAINT;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

Judge: Hon. Charles R. Breyer
Courtroom: 6, 17th Floor
Hearing Date: February 3, 2023
Time: 10:00 a.m.

28

1 **NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on February 3, 2023, at 10:00 a.m., or as soon thereafter as
4 counsel may be heard, plaintiff William Heresniak will, and hereby does, move the United States
5 District Court for the Northern District of California, before the Honorable Charles R. Breyer, in
6 Courtroom 6 of the San Francisco Courthouse, located at 450 Golden Gate Avenue, San Francisco,
7 California 94102, for an order under Rule 15(a)(2) of the Federal Rules of Civil Procedure, granting
8 leave to amend the complaint. Plaintiff further prays for such other and further relief as the Court
9 deems just and proper.

10 This motion is supported by the accompanying Memorandum of Points and Authorities, the
11 Declaration of Tyson C. Redenbarger (with exhibits), the accompanying proposed order, and all
12 papers and proceedings in this action.

13 Dated: December 9, 2022

Respectfully submitted,

COTCHETT, PITRE & MCCARTHY, LLP

s/ Tyson C. Redenbarger

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Counsel for Plaintiff William Heresniak

Attestation Pursuant to Civil Local Rule 5-1(h)(3)

I, Tyson C. Redenbarger, attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 9, 2022, at Burlingame, California.

s/ Tyson C. Redenbarger

Tyson C. Redenbarger

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